

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ४७] नई दिल्ली, शनिवार, नवम्बर २१, १९७०/कार्तिक ३०, १८९२

No. 47] NEW DELHI, SATURDAY, NOVEMBER 21, 1970/KARTIKA 30, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 2nd November 1970

S.O. 3722.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 30th September, 1971, to the Cochin Commercial Bank Ltd., Cochin, in respect of the property (measuring 23 cents and 683 Sq. links), held by it at Mattancherry Town, Cochin, Kerala State.

[No. F. 15(23)-BC/70.]

K. YESURATNAM, Under Secy.

वित्त मंत्रालय

(बैंकिंग विभाग)

नयी दिल्ली, 2 नवम्बर, 1970

एस०ओ० 3722.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10वां) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबंध 30 सितम्बर 1971 तक कोचीन कमर्शियल बैंक लिमिटेड पर उसकी केरल राज्य के कोचीन में मत्तनचेरि टाऊन, स्थित सम्पत्ति के सम्बन्ध में लागू नहीं होंगे।

[सं० एफ० 15(23)—बी०सी०/70]

के० येसुरत्तनम,

अनु सचिव।

MINISTRY OF INDUSTRIAL DEVELOPMENT & INTERNAL TRADE

(Department of Industrial Development)

(Indian Standard Institution)

New Delhi, the 27th October 1970

S. O. 3723—Certification Marks Licences, details of which are mentioned in the schedule given hereafter, have lapsed or their renewals deferred

SCHEDULE

Serial No.	Licence No.	Licensee's Name and Address.	Article/Process and the Relevant IS : Designation	S. O. Number and date of the Gazette Notifying Grant of Licence.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L—87 22-5-1958	Bagdogra Plywood Factory, Distt. Darjeeling (West Bengal).	Tea-chest plywood panels— IS : 10—1964.	S. O. 1095 dated 14-6-1958	Deferred after 31-5-1970.
2	CM/L-419 30-5-1962	Bata Shoe Co, Pvt Ltd, Batanagar, 24 Parganas (W. Bengal.)	Shoe polish black, white and brown— IS : 1746—1960.	S.O. 1858 dated 16-6-1962	Lapsed after 15-6-1970
3	CM/L-901 28-11-1964	Shree Ambica Jute Mills (P) Ltd., P. O. Belurmath, Howrah (Office : 23 Netaji Subhas Rd., Calcutta-1.)	(1) Jute hessian— IS : 2818—1964 and (2) Hessian bags— IS : 3790—1966.	S.O. 79 dated 2-1-1965	Deferred after 31-5-1970.
4	CM/L-902 28-11-1964	Shree Ambica Jute Mills (P) Ltd, P. O. Belurmath, Howrah (Office : 23 Netaji Subhas Rd., Calcutta-1).	(b) Jute sackings: (1) A-twill jute bags— IS : 1943-1964 (2) B-twill jute bags— IS : 2566-1965 (3) Heavy cee jute bags— IS : 2874-1964 (4) Jute corn sacks— IS : 2875-1964 (5) B-twill cloth— IS : 3667—1966 (6) Liverpool twill (L-twill) cloth— IS : 3668—1966	S. O. 79 dated 2-1-1965	Deferred after 31-5-1970

1	2	3	4	5	6
			(7) Jute corn sack cloth— IS : 3750-1966 (8) Heavy cee cloth— IS : 3751-1966 and (9) Liverpool twill (L-twill) bags— IS : 3794-1966 BHC water dispersible powder concentrates— IS : 562-1962.	S. O. 1406 dated 1-5-1965	It was deferred after 15-4-1969 and has now to be treated as lapsed after that date.
5	CM/L-1037 22-3-1965	Anand Insecticides, 4/5 Elaiye Mudali Street, Korukupet, Madras-21.			
6	CM/L-1173 7-12-1965	The Bharat Carbon & Ribbon Mfg. Co Ltd., 543, Basantlal Saha Road, Calcutta-53.	(a) Carbon papers for type- writers, Types 1 & 3— IS : 1551-1959 and (b) Carbon papers, hand writ- ing, Type C— IS : 3450-1966 Ink, duplicating, all weather, black for rotary type machines IS : 1222-1957	S.O. 410 dated 5-2-1966 S. O. 525 dated 19-1-1966	It was deferred after 15-12-69 and be has now to treated as lapsed after that date It was deferred after 15-7-69 and has now to be treated as lapsed after that date.
7	CM/L-1193 10-1-1966	Do.			
8	CM/L-1512 12-9-1967	Plava Chemicals, 3-C, Nelson Manick Mu- dall ar Rd, Am n j kara i, Madras-29.	DDT dusting powders— IS : 564-1961	S. O. 3733 dated 21-10-1967	Deferred after 31-7-1970.
9	CM/L-1615 9-1-1968	Racmann Koshatkann (Regd.), 53 Industrial Area, Najafgarh Road, New Delhi-15.	Spring leaves and leaf springs for automobile suspension— IS : 1135-1965	S. O. 684 dated 24-2-1968	Deferred after 15-7-1970.
10	CM/L-1704 21-5-1968	Chemicals and Insecticides, Ramnagar Karan jaha Rly Station, Kumbh N. E. Rly, Gorakhpur (UP) (Office : Saraf Chamber, Hindi Bazar, Gorakhpur (UP))	BHC dusting powders— IS : 561-1962	S. O. 2426 dated 6-7-1968	Deferred after 15-7-1970.
11	CM/L-2007 7-7-1969	K. T. Rolling Mills Pvt. Ltd., Badlapur Road, Ambernath, Central Railway, Distt. Thana (Maharashtra). (Office : K. T. Bldg, Broach Street, Dana Bunder, Bombay-9)	Structural steel (standard qua- lity)— IS : 226-1969.	S. O. 3585 dated 6-9-1969.	Deferred after 15-7-1970.

औद्योगिक विकास और आंतरिक व्यापार मंत्रालय
(औद्योगिक विकास विभाग)
(भारतीय मानक संस्था)

नई दिल्ली, 27 अक्टूबर, 1970

एस० ओ० 3723 —यहां जिन प्रमाणन मुहर लाइसेंसों के व्यौरे दिए गए हैं वे न तो अवधिपूर्ण होने पर रद्द हो गए हैं अथवा उनका नवीकरण स्थगित कर दिया गया है :-
अनुसूची

क्रमांक	लाइसेंस संख्या	लाइसेंसधारी का नाम और पता	वस्तु/प्रक्रिया और तत्संबंधी भारतीय मानक का पदनाम	लाइसेंस मंजूरी प्रकाशित करने वाले गजट की एस०ओ० संख्या और दिनांक	विवरण
(1)	(2)	(3)	(4)	(5)	(6)
1.	सी एम/एल-87 22-5-1958	बागडोरा प्लाईवुड फैक्टरी, जिला दार्जिलिंग (प० बंगाल)	चाय की पट्टियों के प्लाईवुड के तश्ते IS : 16-1964	एस ओ 1095 दिनांक 14-6-1958	31-5-1970 के बाद स्थगित
2.	सी एम/एल-419 30-5-1962	बाटा शू कं० प्रा० लि०, बाटानगर, 24-परगना (प० बंगाल)	जूते की पालिश, काली, सफेद और लाल IS : 1746-1960	एस ओ 1856 दिनांक 16-6-1962	15-6-1970 के बाद रद्द
3.	सी एम/एल-90। 28-11-1964	श्री अम्बिका जूट मिल्स (प्रा०) लि० पो० आ० बेलूरमठ, हावड़ा (दफ्तर : 23, नेताजी सुभाष मार्ग, कलकत्ता-1)	1. पटसन हेसियन IS : 2818-1964 2. हेमिडन बोरे IS : 3790-1966	एस ओ 79 दिनांक 2-1-1965	31-5-1970 के बाद स्थगित

(1)	(2)	(3)	(4)	(5)	(6)
4.	सी एम/एल-902 28-11-1964	श्री अम्बिका जूट मिल्स (प्रा०) लि०, पो० ब्रा० बेलूरमठ, हावड़ा (दफ्तर : 23 नेताजी सुभाष रोड, कलकत्ता-1)	1. ए-टिवल पटसन बोरे IS : 1943-1964 2. बी-टिवल पटसन बोरे IS : 2566-1965 3. भारी सी पटसन बोरे IS : 2874-1964 4. पटसन के मक्का भरने के बोरे IS : 2875-1964 5. बी-टिवल कपड़ा IS : 3667-1966 6. लिवरपुल टिवल (एल-टिवल) कपड़ा IS : 3668-1966 7. मक्का भरने का पटसन कपड़ा IS : 3750-1966 8. भारी 'सी', कपड़ा IS : 3751-1966 9. लिवरपुल टिवल (एल- टिवल) बोरे IS : 3794-1966	एस० ओ० 79 दिनांक 2-1-1965	31-5-1970 के बाद स्थगित
5.	सी एम/एल-1037 22-3-1965	आनन्द इंसेक्टीसाइड्स, एलइया मुदाली स्ट्रीट कोरुकुपेट, सद्रास-21	4/5 जल में छिड़कने योग्य वी० एच० सी० का तेज चूर्ण IS : 562-1962	एस० ओ० 1406 दिनांक 1-5-1965	यह 15-4-1969 को स्थगित किया गया था अब उसी समय से रद्द समझा जाए ।

- | | | | | |
|--------------------------------|---|---|--------------------------------|---|
| 6. सी एम/एल-1173
7-12-1965 | भारत कार्बन एण्ड रिबन मैनुयू-
फैक्चरिंग कं० लि०, बसंतलाल
साहा रोड, कलकत्ता-53 | (क) टाइपराइटर्स के कार्बन
कागज, टाइप 1 और 3-
IS: 1551-1959 और
(ख) हाथ से लिखने के लिए
कार्बन कागज, टाइप सी
IS: 3450-1966 | एस ओ 410
दिनांक 5-2-1966 | यह 15-12-1969 को
स्थगित किया गया था
अब तभी से इसे रद्द
समझा जाए। |
| 7. सी एम/एल-1193
10-1-1966 | | धूमने वाली डुप्पीकेटिंग मशीनों
के लिए सभी मौसमों वाली
काली स्याही | एस ओ 525
दिनांक 19-1-1966 | यह 15-7-1969 को स्थगित
किया गया था अब तभी
से इसे रद्द समझा जाए। |
| 8. सी एम/एल-1512
12-9-1967 | प्लावा केमिकल्स, 3-सी नेलसन
मानिक मुदालियर रोड,
अमीनजीकराई, मद्रास-29 | डी डी टी धूलन पाउडर
IS: 564-1961 | एस ओ 3733
दिनांक 21-10-1967 | 31-7-1970 के बाद स्थगित |
| 9. सी एम/एल-1615
9-1-1968. | रैकमैन कोशातकिन (रजिस्टर्ड),
53, इंडस्ट्रियल एरिया नजफ-
गढ़ रोड, नई दिल्ली-15 | स्वचल गाड़ियों में सस्पेंशन के
लिए पत्तीदार कमानियां और
कमानी पत्तियां
IS: 1135-1966 | एस ओ 684
दिनांक 24-2-1968 | 15-7-1970 के बाद
स्थगित |
| 10. सी एम/एल-1704
21-5-1968 | केमिकल्स एण्ड इंसेक्टीसाइड्स,
रामनगर करंजहा रेलवे स्टेशन,
कुराही उ० पू० रेलवे
गोरखपुर (उ०प्र०)
(दफ्तर : सराफ चैम्बर, हिन्दी
बाजार गोरखपुर, उ०प्र०) | बी एच सी धूलनपाउडर
IS: 561-1962 | एस ओ 2426
दिनांक 6-7-1968 | 15-7-1970 के बाद
स्थगित |

1	2	3	4	5	6
11.	सी एम/एल-2007 7-7-1969	के० टी० रोलिंग मिल्स प्रा० लि० बदलापुर रोड, अम्बरनाथ मध्य रेलवे, जिला थाना (महाराष्ट्र) (दफ्तर: के० टी० बिल्डिंग, भड़ौच स्ट्रीट, देना, बम्बई-9)	संरचना इस्पात (भानक किस्म) नं०: 226-1969	एस ओ 3585 दिनांक 6-9-1969	15-7-1970 के बाद स्थगित

[सी० एम० डी०/13:14]

New Delhi, the 28th October 1970

S.O. 3724.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended subsequently, the Indian Standards Institution hereby notifies that licence No. CM/L—1891 particulars of which are given below, has been cancelled with effect from 16 October 1970 :

Licence No. & Date.	Name & Address of the licensee.	Article/Process covered by the licence cancelled.	Relevant Indian Standard
CM/L-1891 10-1-1969	The Ahmedabad General Engineering Works, Ambica Oil Mill Compound, Outside Gomti-pur Gate, Ahmedabad-21 having their Regd. office at 522/1, outside Pan-chkuva Gate, Ahmeda-bad-2, Gujarat State.	(i) Steel windows (ii) Steel ventilators Brand : 'AGEW'	IS: 1038-1968 Speci-fication for steel doors, windows and ventilators. (First Revision.)

[No. CMD/55: 1891]

A. K. GUPTA.,
Deputy Director General.

नई दिल्ली, 28 अक्टूबर, 1970

एस०ओ० 3724.—समय समय पर सशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा सूचित किया जाता है कि लाइसेंस संख्या सी एम/एल-1891 जिसके व्योरे नीचे दिए हैं, 16 अक्टूबर 1970 में रद्द कर दिया गया है।

लाइसेंस संख्या और तारीख	लाइसेंसधारी का नाम और पता	रद्द किए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
सी एम/एल-1891 10-1-1969	द अहमदाबाद जेनरल इंजीनियरिंग वर्क्स प्रा. लि. का आयल मिल अ. ग. गोमतीपुर गेट के बाहर अहमदाबाद-21; इनका रजिस्टर्ड दफ्तर 522/1 पंचकुवा गेट के बाहर अहमदाबाद-2 में है।	(1) इस्पात की खिड़कियां (2) इस्पात के रोगनदान : छाप 'ए जी ई डब्लू'	IS : 1038-1968 इस्पात के दरवाजों, खिड़कियों और रोगन- दानों का विनिर्दिष्ट (पहला पुनरीक्षण)

[सी एम ०डी० 55:1891]

ए० के० गुप्ता,
डिप्टी डायरेक्टर जनरल।

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 2nd November 1970

S.O. 3725.—The following draft of the Dried Edible Mushrooms Grading and Marking Rules, 1970, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 18th December, 1970.

Any objection or suggestion which may be received from any person with respect to the said draft before the date aforesaid, will be considered by the Central Government.

DRIED EDIBLE MUSHROOMS GRADING AND MARKING RULES 1970

1. *Short title and application.*—(1) These rules may be called the Dried Edible Mushrooms Grading and Marking Rules, 1970.

(2) They shall apply to dried edible mushrooms of the varieties produced in India, viz.

- (i) *Morchella esculenta* Linn (Gucchi)
- (ii) *Morchella conica* Linn (Gucchi).
- (iii) *Morchella angusticeps* (Gucchi).
- (iv) *Cantharellus cibarius* Fr. (Dhingri).

2. *Definitions.*—In these rules.—(1) “Agricultural Marketing Adviser” means the Agricultural Marketing Adviser to the Government of India.

(2) “Schedule” means a schedule appended to these rules.

3. *Grade Designations.*—Grade designations to indicate the quality of dried edible mushrooms shall be as set out in column 1 of Schedule II.

4. *Definition of Quality.*—The quality indicated by the respective grade designations shall be as set out against each grade designation in column 2 to 6 of Schedule II.

5. *Grade Designation Mark.*—The grade designation mark shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word ‘AGMARK’ and the figure of the rising sun, with the words ‘Produce of India’ and ‘भारतीय उत्पाद’ resembling the one as set out in Schedule 1.

6. *Methods of Marking.*—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser and shall clearly show the following particulars:—

- (a) Grade designation.
- (b) Variety or trade name.
- (c) Net weight.
- (d) Date of packing.

(2) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said Officer, provided that the private trade mark does not represent quality or grade of Mushroom different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

7. *Method of Packing.*—(1) Only sound, clean and dry containers, as may be prescribed by the Agricultural Marketing Adviser, shall be used for packing. They shall be free from any insect infestation and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in such manner as may be prescribed by the Agricultural Marketing Adviser.

(3) Each package shall contain dried edible mushrooms of one variety only.

8 *Special conditions of Certificate of Authorisation*—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937 the following special conditions shall be observed by the packers to the satisfaction of Agricultural Marketing Adviser

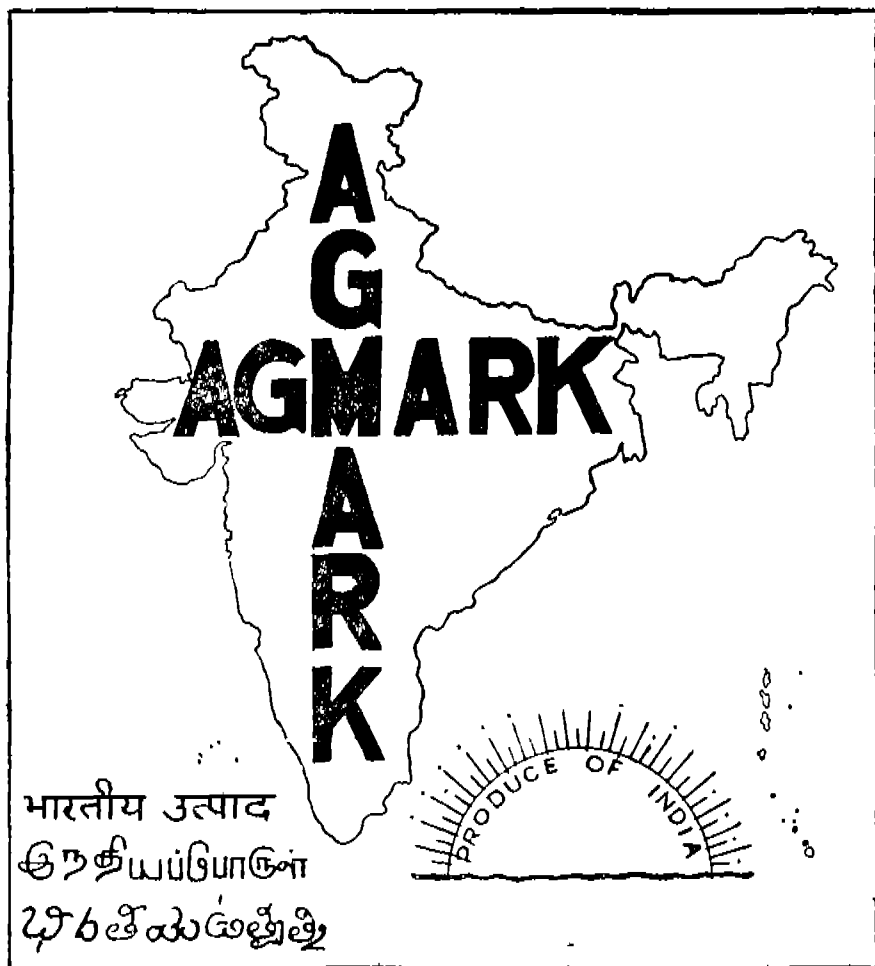
(i) An authorised packer shall make such arrangements for testing mushrooms, as may be prescribed by the Agricultural Marketing Adviser and samples thereof shall be forwarded to such Control Laboratories as may be specified from time to time by the Agricultural Marketing Adviser.

(ii) An authorised packer shall provide all facilities to the Inspecting Officer duly authorised by the Agricultural Marketing Adviser in this behalf for sampling, testing and such other matters as may be necessary.

SCHEDULE I

(See rule 51)

Design for the Grade designation mark



SCHEDULE II

(See Rule 3 and 4)

Grade designations and definition of quality of edible dried Mushrooms

Grade	Special Characteristics					General Characteristics
Designation	Maximum limit of tolerance					
	Mois- ture per cent (by wt.) maxi- mum	Ash in- soluble in dilute hydro- chloric acid per cent (by weight) maxi- mum	Admix- ture with other varieties of mush- rooms per cent (by weight) maxi- mum	Broken* pieces. per cent (by we- ight). maxi- mum		
I	2	3	4	5	6	
Mushrooms-M.E.@	12.00	2.00	2.00	3.00	(a) The mushrooms shall be the dried product of	
Mushrooms-M.A @@	12.00	2.00	2.00	3.00	1. <i>Morchella esculenta</i> Linn (Gucchi)	
Mushrooms-MC £	12.00	2.00	2.00	3.00	2. <i>Morchella Angusticeps</i> Linn (Gucchi)	
Mushrooms-CC ££	12.00	2.00	2.00	3.00	3. <i>Morchella conica</i> Linn (Gucchi).	
					4. <i>Cantharellus Cibarius</i> Fr. (Dhingri).	
					(b) The stalks of the mushrooms from the bottom of the head or Pileus shall be trimmed to a length not exceeding 1.5 cm.	
					(c) They shall be free from:—	
					(i) Smoky or any other odour	
					(ii) Insects live or dead	
					(iii) They shall have the characteristic odour and shall be reasonably free from added colouring matter, bleaching agents, artificial flavouring or chemical preservatives, sand grit and other extraneous matter and moulds.	

*Broken Piece—will include such pieces whose length does not exceed 1 cm.

@ ME stands for *Morchella esculenta*@@ MA stands for *Morchella angusticeps*.£ MC stands for *Morchella conica*.££ CC stands for *Cantharellus cibarius*.

[No. 13-11/69-L.A.]

K. RAJAN, Under Secy.

खाद्य, कृषि, सामुदायिक विकास और सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 2 नवम्बर, 1970

का० आ० 3725.—भोज्य सूखी खुम्बियों श्रेणीकरण और चिह्नन नियम, 1970 का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार कृषि उपज (श्रेणीकरण और चिह्नन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए कानून की प्रभावता करती है, उक्त धारा की अपेक्षाानुसार एतद्वारा संभाव्यतः प्रभावित होने वाले सभी व्यक्तियों की जानकारी के लिए, प्रकाशित किया जाता है और एतद्वारा सूचना दी जाती है कि सदन प्रारूप पर 18-12-1970 को या उसके पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में किसी व्यक्ति से उपर्युक्त कानून से पूर्व प्राप्त होते वाले आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

भोज्य सूखी खुम्बियों श्रेणीकरण और चिह्नन नियम, 1970

1. संक्षिप्त नाम और लागू होना—(1) ये नियम भोज्य सूखी खुम्बियों श्रेणीकरण और चिह्नन नियम 1970 कहे जा सकेंगे।

(2) ये भारत में उत्पादित किस्मों को भोज्य सूखी खुम्बियों, अर्थात् :—

- (i) मोरवेल्ला ऐसकुलेन्टा लिन्न (गुच्छी)
- (ii) मोरवेल्ला कनिक लिन्न (गुच्छी)
- (iii) मोरवेल्ला एंगस्टीलेप्स (गुच्छी)
- (iv) कैथ्यारेलेस मोनारियम एफ ग्रार (डिगरी) को लागू होंगे।

2. परिभाषाएं—इन नियमों में :—

- (1) “कृषि विपणन सलाहकार” से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है।
- (2) “अनुसूची” से इन नियमों से उपाबद्ध अनुसूची अभिप्रेत है।

3. श्रेणी अभिधान—भोज्य सूखी खुम्बियों की क्वालिटी उपदर्शित करने के लिए श्रेणी अभिधान वे होंगे जो अनुसूची 2 के स्तम्भ 1 में दिये गए हैं।

4. क्वालिटी की परिभाषा :—विभिन्न श्रेणी अभिधानों द्वारा उपदर्शित क्वालिटी वह होगी जो अनुसूची 2 के स्तम्भ 2 से 6 में प्रत्येक श्रेणी अभिधान के सामने दिखाई गई है।

5. श्रेणी अभिधान-चिह्नन—श्रेणी अभिधान चिह्नन एक ऐसा लेवल होगा जिसमें श्रेणी अभिधान उपदर्शित किया गया हो और जिस पर अनुसूची 1 में उपवर्णित डिजाइन से मिलता जुलता एक डिजाइन

(जिसमें “एगमार्क” शब्द सहित भारत का रेखा मान-चित्र तथा “Produce of India—” और “भारतीय उत्पादन” शब्दों सहित उदीयमान सूर्य की आकृति हो) ।

6. चिह्नन की पद्धतियाँ—(1) प्रत्येक आधान पर श्रेणी अभिधान चिन्ह कृषि विपणन सलाहकार द्वारा अनुमोदित ढंग से अच्छी तरह से चिपकाया जाएगा और उसमें स्पष्ट रूप से निम्नलिखित जानकारी दर्शित की जाएगी :—

- (क) श्रेणी अभिधान ।
- (ख) किस्म अथवा व्यापार नाम ।
- (ग) शुद्ध तौल ।
- (घ) पैकिंग की सारीख ।

(2) कृषि विपणन सलाहकार का पूर्व अनुमोदन प्राप्त करने के पश्चात् कोई भी प्राधिकृत पैकर उक्त अधिकारी द्वारा अनुमोदित ढंग से आधान पर अपना कोई प्राइवेट व्यापार चिह्न चिह्नित कर सकेगा परन्तु प्राइवेट व्यापार चिह्न इन नियमों के अनुसार आधान पाल पर लगाये गये श्रेणी अभिधान चिह्न में उद्दिष्ट खुम्भियों की क्वालिटी अथवा श्रेणी से भिन्न क्वालिटी या श्रेणी का व्यपदेशन न करता हो ।

7. रैकिंग की पद्धति—(1) कृषिविपणन सलाहकार द्वारा विहित ठीक हानत वाले स्वच्छ और सूखे आधान की रैकिंग के लिए उपयोग में लाये जायेंगे । वे किसी भी तरह की कीट बाधा और अवाञ्छनीय गंध से मुक्त होंगे ।

(2) आधान ऐसी रीति में जैसी कृषि विपणन सलाहकार विहित करे, सुरक्षित ढंग से बन्द तथा सील किये जायेंगे ।

(3) प्रत्येक पैकेज में केवल एक ही किस्म की शोच्य सूखी खुम्भियाँ रहेंगी ।

8. प्राधिकरण प्रमाण पत्र की विशेष शर्तें :—

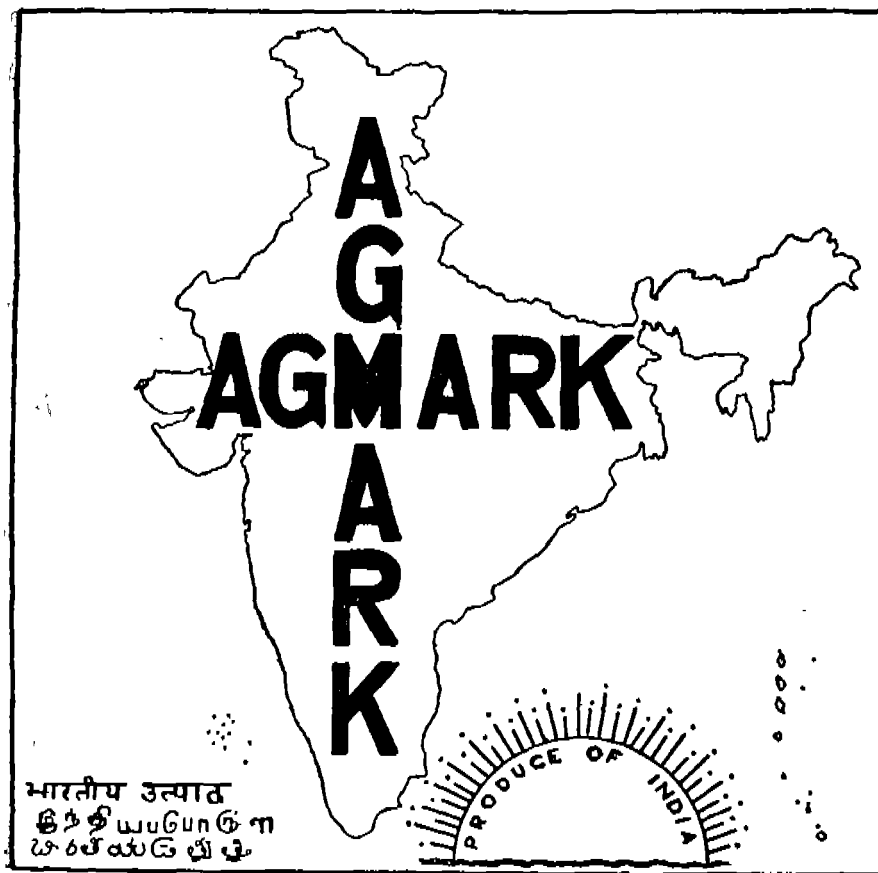
साधारण श्रेणीकरण और चिह्न नियम, 1937 के नियम 4 में विनिर्दिष्ट शर्तों के अतिरिक्त, पैकर द्वारा निम्नलिखित विशेष शर्तों का अनुपालन कृषि विपणन सलाहकार के समाधानप्रद रूप से किया जाएगा —

- (i) प्राधिकृत पैकर खुम्भियों के परीक्षण के लिए ऐसे इंतजाम करेगा जैसे कृषि विपणन सलाहकार द्वारा विहित किए जायें और उनके नमूने ऐसी नियंत्रण प्रयोगशालाओं को भेजे जायेंगे जो कृषि विपणन सलाहकार द्वारा समय-समय पर विनिर्दिष्ट की जायें ।
- (ii) प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा इस निमित्त सम्यक् रूप से प्राधिकृत निरीक्षण अधिकारी को नमूना लेने, परीक्षण और अन्य ऐसी बातों के लिए जो आवश्यक हों, सभी सुविधायें देगा ।

अनुसूची 1

(नियम 5 देखिये)

श्रेणी अभिधान चिह्नन के लिए ले-डिजाइन



अनुसूची 2

(नियम 3 और 4 देखिये)

भोज्य सूखी खुम्भियों की क्वालिटी की परिभाषा और उनके श्रेणी अभिधान

श्रेणी अभिधान	विशेष लक्षण				साधारण लक्षण
सहन की अधिकतम सीमा					
नमी प्रतिशत (तौल के अनुसार अधिक-तम)	तनु हाई-ड्रिक् एसिड मे अवि लेय मम्म। प्रतिशत (तौल के अनुसार) अधिक-तम	खुम्भी की अन्य किस्मों के साथ अभि-मिश्रण प्रतिशत (तौल के अनुसार) अधिक-तम	खण्डित टुकड़े प्रतिशत (तौल के अनुसार) अधिक-तम		
1	2	3	4	5	6
खुम्भी—एम०ई० *	12.00	2.00	2.00	3.00	(क) खुम्भीयों निम्नलिखित के सूखे उत्पाद होंगी
खुम्भी—एम०ए० * *	12.00	2.00	2.00	3.00	1. मोरचेला एसकूलेन्टा लिन्न (गुच्छों) ।
खुम्भी—एम०सी० †	12.00	2.00	2.00	3.00	2. मोरचेला ऐंगस्टोसेप्स-लिन्न—(गुच्छों)
खुम्भी—सी०सी० ††	12.00	2.00	2.00	3.00	3. मोरचेला कनिका लिन्न—(गुच्छों) 4. केन्थोरल्लस सोबारियस एफ आर (ढोंगरी)

1 2 3 4 5 6

(ख) खुम्भियों के वल्ल,
मिर अथवा छतिका के
नीचे से 1.5 सेमी०
से अधिक लम्बाई तक
छटे हुए होंगे।

(ग) वे निम्नलिखित से
मुक्त होंगी :—

(i) घुएं वाली या कोई
अन्य गंध।

(ii) जीवित अथवा मृत
कोट।

(iii) उनमें लाक्षणिकी गंध
होगी और वे मिलाये
गये रंजक द्रव्य, विरंजक
कर्मक, कृत्रिम सुगंध या
रसायनिक परिरक्षक, रेत
कंकरी और अन्य बाह्य
द्रव्य तथा फफूंदी से
युक्तियुक्त रूप से मुक्त
होंगी।

@खण्डित टुकड़े :—इसके अन्तर्गत ऐसे टुकड़े होंगी जिसकी लम्बाई 1 मंटीमीटर से अधिक न
हो।

*एम०ई० से अभिप्रेत है—मोरचेल्ला एसकुलेन्टा

**एम०ए० से अभिप्रेत है—मोरचेल्ला एंगस्टीसेप्स

†एम०सी० से अभिप्रेत है—मोरचेल्ला कनिका

††सी० सी० से अभिप्रेत है—केन्थारेल्लस सीबारियस एफ आर

[स० फा० 13-11/69-एस० ए०]

के० राजन, अवर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 23rd October 1970

S.O. 3726.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2745 dated the 2nd

July, 1969 the Central Government, having regard to the location of the factory, namely Government Photo Litho Press, Roorkee, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 15th June, 1970 upto and inclusive of the 14th June, 1971.

[No. F. 601(15)70-HI.]

श्रम, रोजगार और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 23 अक्तूबर 1970

का० आ० 3726.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2745 तारीख 2 जुलाई 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात् दि गवर्नमेंट फोटो लिथो प्रेस, रुड़की की ऐसी क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के सदाय से 15 जून, 1970 से 14 जून, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[संख्या फ० 601(15)/70-एच० आई०]

S. O. 3727—In exercise of the powers conferred by section 73 F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories, specified in column (4) of the Schedule hereto annexed in areas, specified in column (3) of the said Schedule in the State of Gujarat in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factories from the payment of employers special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

S. No.	Name of District	Name of area	Name of the factory
(1)	(2)	(3)	(4)
1	Ahmedabad	Naganesh	M/s Bhadresht Quarry Works
2	Baroda	Karjan Kalali Samiala	M/s Arvind Udyog M/s Baroda Board Mill M/s Baroda Rubber Ind. (Pvt) Ltd.
3	Banaskantha	Deesa	M/s Banas Valley Spun Pipes.
4	Bhavnagar	Botad Savarkundla Gariyadhar Mahuva	M/s Chamunda Vijay Foundry Works M/s Gujarat State Road Transport M/s Gujarat State Road Transport work shop. (1) M/s Gujarat State Road Transport Corporation Workshop Depot. (2) M/s Mahuva Taluka Sahkari Kharic Vechan Sangh Ltd., (Oil) Mill, Division

(1)	(2)	(3)	(4)
5	Broach	: 2 Jambusar	M/s State Transport Depot
6	Bulsar	: . Umbergam Vapi	M/s Heemanshu Traders (1) M/s Amkay Die Casting Inds. (2) M/s Mutaul Plastics
7	Junagarh	: . Keshod	M/s The State Road Trasport Depot Workshop.
		Una	M/s Gujarat State Road Trarnsport Depot Workshop.
8	JamnagarI	: . Hapa	M/s S. R. I. Roller Flour Mills (P) Ltd.
9	Kaira 2	: . Tundal	M/s Cema Pvt. Ltd.
		Mehmedabad	M/s Vinu Foundry.
10	Kutch	: . Gandhidham	M/s Simac Group (India) Pvt. Ltd.
		Nalja	M/s Gujarat State Road Transport Depot
		Bhuj	M/s Gujarat State Road Transport Depot
		Mandvi	M/s Gujarat State Road Transport Mandvi Depot.
		Mundra	M/s Gujarat State Road Transport Mundra Depot.
		Anjar	M/s Gujarat State Road Transport Depot Workshop.
11	Kutch (Mandvi)	Nagalpur	M/s Mahavir Rubber Work:
12	Mehsana	: . Vadnagar	M/s Transformers Mfg. & Repairing Works
		Veda	M/s Amica Sizing Works.
		Vijapur	M/s Ambica Ceramic Works.
13	Rajkot	: . Makansar	M/s Shree Sardar Tiles Co.
		Upleta	M/s Gujarat State Road Transport Depot Workshop
		Pipli	M/s Meghjiibhai Hirabhai & Co., Stone Crusher.
14	Sabar-Kantha	: Idar	M/s State Transport Depot Workshop
15	Surat	: . Navagam	M/s Gujarat Structural Concrete Pvt. Ltd.
		Bardoli	M/s State Transport Bardoli Depot Work-shop.
		Borkhadi	M/s Geeta Stone Crushing Fy.

[No. F. 602(24)/70-HI]

का० आ० 3727—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसमें उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट गुजरात राज्य के क्षेत्रों में, जिनमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त है, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से इस अधिसूचना के शासकीय राजपत्र में प्रकाशित होने की तारीख से एक वर्ष की कालावधि के लिए या तब तक के लिए जब तक उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते जो भी पहले हो, एतद्वारा छूट देती है।

अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1.	अहमदाबाद	नगनेश	मैसर्स भद्रेश ववेरी वर्क्स

(1)	(2)	(3)	(4)
2. बड़ौदा	करजन कलाली ममियाल	मैसर्स अरविन्द उद्योग मैसर्स बड़ौदा बोर्ड मिल मैसर्स बड़ौदा रस्स डेडि० प्राइवेट लि०	
3. बनासकांठा	वीसा	मैसर्स बानस बेनी स्पन पाइप्स	
4. भावनगर	बोटाद मावर कुण्डला गरियाघर महुवा	मंसर्स चमुण्डा विजय फाउण्ड्री वर्क्स मैसर्स गुजरात स्टेट रोड, ट्रान्स्पोर्ट मैसर्स गुजरात स्टेट रोड ट्रान्स्पोर्ट वर्क्स शाप (1) मैसर्स गुजरात स्टेट रोड ट्रान्स्- पोर्ट कारपोरेशन वर्कशाप डीपो । (2) मैसर्स महुवा तालुक सहकारी खरीद बेचन संघ लिमिटेड (आयल) मिल डिबीजन ।	
5. बड़ौचा	जम्बुसर	मैसर्स स्टेट ट्रान्स्पोर्ट डीपो	
6. ब्रुलसर	अम्बरगाम वापो	मैसर्स हिमांशु टर्बर्स (1) मैसर्स एम्को ड्राईकाम्पिंग इन्ड- स्ट्रीज (2) म्युचुअल प्लास्टिक्स	
7. जूनागढ़	केशोद उता	मैसर्स दि स्टेट रोड ट्रान्स्पोर्ट डीपो वर्कशाप मसर्स गुजरात स्टेट रोड वर्कशाप	
8. जामनगर	हापा	मैसर्स एस० आर० आई० रोलर फ्लोर मिल्स (प्राइवेट) लिमिटेड	
9. केरा	टुण्डल मेहमदाबाद	मैसर्स सेमा प्रा० लि० मैसर्स बीनु फाउण्ड्री	
10. कच्छ	गांधी धाम नलिया भुज माण्डवी मुन्द्रा अन्जर	मैसर्स सिमक ग्रुप (इडिया) प्रा० लि० मैसर्स गुजरातस्टेट गुजरात रोड ट्रान्स्- पोर्ट डीपो मैसर्स गुजरात स्टेट रोड ट्रान्स्पोर्ट डीपो मैसर्स गुजरात स्टेट रोड ट्रान्स्पोर्ट डीपो माण्डवी डीपो मैसर्स गुजरात स्टेट रोड ट्रान्स्पोर्ट मुन्द्रा डीपो मैसर्स गुजरात स्टेट रोड ट्रान्स्पोर्ट डीपो वर्कशाप	

(1)	(2)	(3)	(4)
11. कच्छ (मांडवी)	नागलपुर	मैसर्स महावीर रबर वर्कस	
12. मेहामना	वादनगर	मैसर्स ट्रान्सफॉर्मर्स मेन्यूफैक्चरिंग एण्ड रिपेयरिंग वर्क्स	
	वेडा	मैसर्स अमीका साइजिंग वर्क्स	
	विजापुर	मैसर्स अम्बिका सेरामिक वर्क्स	
13. राजकोट	माकनमर	मैसर्स श्री मरदार टाइल्स कम्पनी	
	उपलेटा	मैसर्स गुजरान स्टेट रोड ट्रांसपोर्ट डीपो वर्कशाप	
	पिंपली	मैसर्स मेधजीभाई हीराभाई एण्ड कम्पनी स्टोन क्रशर	
14. मबरकाठा	इंदर	मैसर्स स्टेट ट्रान्सपोर्ट डीपो वर्कशाप	
	बरदोली	मैसर्स स्टेट ट्रान्सपोर्ट बरदोली डीपो वर्कशाप	
	बोरखाड़ी	मैसर्स गीता स्टोन क्रशिंग फैक्ट्री	

[स० फ० 602(24)/70—एच० आई०]

New Delhi, the 27th October 1970

S.O. 3728.—Whereas the Central Government was satisfied that Shri Krishna Auto Sales and Service Corporation was situated in Shimoga area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Shimoga in the State of Mysore;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2871, dated the 11th September, 1962;

And, whereas the Central Government is satisfied that the insurable population of the Shimoga area in the district of Shimoga in the State of Mysore has now exceed 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule to the said notification, Serial No. 12 and the entries relating thereto shall be omitted.

[No. F. 6/13/68-HI]

नई दिल्ली, 27 अक्टूबर, 1970

क्र० प्र० 3728.—यतः केन्द्रीय सरकार का यह समाधान हो गया था कि श्री कृष्ण ऑटो सेल्स एंड सर्विस कारपोरेशन, शिमोगा क्षेत्र में स्थित था जो मैसूर राज्य के शिमोगा जिले में बिखरी हुई आबादी का क्षेत्र (अर्थात् ऐसा क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) था;

और, यतः उसकी बिखरी हुई आबादी के क्षेत्र में अवस्थिति के आधार पर केन्द्रीय सरकार ने उपर्युक्त कारखाने को, भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का०

आ० 2871 तारीख 11 सितम्बर, 1962 द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च के अधीन नियोजक के विशेष अभिदाय के संदाय से तब तक के लिए छूट दे दी थी जब तक कि उस अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवर्तित नहीं हो जाते;

और यतः केन्द्रीय सरकार का यह समाधान हो गया है कि मैसूर राज्य के शिमोगा जिले में शिमोगा क्षेत्र की बीमा योग्य आबादी अब 500 से बढ़ गई है, और वह अब बिखरी हुई आबादी का क्षेत्र नहीं है;

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना को अनुसूची में क्रम सं० 12 और उससे संबंधित प्रविष्टियों का लोप कर दिया जाएगा।

[सं० फा० 6/13/68-एच आई]

New Delhi, the 28th October 1970

S.O. 3729.—Whereas the Central Government was satisfied that Messrs United Roadways, S.H. Road was situated in Shimoga area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Shimoga in the State of Mysore;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2898, dated the 28th September, 1966;

And, whereas the Central Government is satisfied that the insurable population of the Shimoga area in the district of Shimoga in the State of Mysore has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule to the said notification, against Serial No. 6, the entry "Shimoga" in column 3 and the corresponding entry in column 4 shall be omitted.

[No. F. 6/13/68-HI.]

DALJIT SINGH, Under Secy.

नई दिल्ली, 28 अक्तूबर, 1970

का० आ० 3729 .—यतः केन्द्रीय सरकार का यह समाधान हो गया था कि मैसर्स यूनाइटेड रोडवेज, एम० एच० रोड, शिमोगा क्षेत्र में स्थित था जो मैसूर राज्य के शिमोगा जिले में बिखरी हुई आबादी का क्षेत्र (अर्थात् ऐसी क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) था;

और यतः उसकी बिखरी हुई आबादी के क्षेत्र में अवस्थित के आधार पर केन्द्रीय सरकार ने उपर्युक्त कारखाने को, भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2898 तारीख 26 सितम्बर, 1966 द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च के अधीन नियोजक के विशेष अभिदाय के संदाय से तब तक के लिए छूट दे दी थी जब तक कि उस अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवर्तित नहीं हो जाते।

और यतः केन्द्रीय सरकार का यह समाधान हो गया है कि मैसूर राज्य के शिमोगा जिले में शिमोगा क्षेत्र की बीमा योग्य आबादी अब 500 से बढ़ गई है, और वह अब बिखरी हुई आबादी का क्षेत्र नहीं है;

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में, क्रम सं० 6 के सामने स्तंभ 3 में “शिमोगा” प्रविष्टि और स्तंभ 4 में तत्समानी प्रविष्टि का लोप कर दिया जाएगा।

[सं० फा० 6/13/68-एच आई]

दलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 7th November, 1970

S.O. 3730.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri R. D. Goswami, Arbitrator, in the industrial disputes between the employers in relation to the management of Messrs Bikaner Gypsum Limited, Bikaner and their workmen, which was received by the Central Government on the 27th October, 1970.

ARBITRATION AWARD UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947

BEFORE SHRI R. D. GOSWAMI, PERSONNAL OFFICER, RAJASTHAN CANAL PROJECT, BIKANER & ARBITRATOR.

ARBITRATION IN THE INDUSTRIAL DISPUTE

BETWEEN

M/s. Bikaner Gypsum Limited, Bikaner.

AND

Their workmen represented by the Rashtriya Gypsum Karamchhari Sangh, Jamsar.

PARTIES:

Representative Employers.—Bikaner Gypsum Ltd. Bikaner Shri A. K. Mukherjee, Personnel Manager.

Representing workmen.—Rashtriya Gypsum Karamchhari Sangh, Jamsar.

1. Shri Dilbagh Singh, Vice President.
2. Shri Ramzan.

1. The parties above mentioned had, by an arbitration agreement dated the 1st July, 1970 under section 10A of the I. D. Act 1947 which was received by the Government published as S.O. No. 2589 dated the 24th July, 1970 in the Gazette of India, Part II Section 3, sub-section (ii) agreed to refer the following disputes to my arbitration:—

1. Whether the demand of the workmen represented by Rashtriya Gypsum Karamchhari Sangh that the Helpers working in the workshop of the Company on various machines should be designated as Khalasies in the grade of Rs. 45—2—50—65—EB—5—100 is justified? If so, to what relief are they entitled?
2. Whether the demand of the workers represented by the Rashtriya Gypsum Karamchhari Sangh that the Helpers be paid house rent allowance at Rs. 6/- per month from 1st October, 1967 is justified? If so, to what relief are they entitled?

2. The arbitration agreement provided that the arbitrator shall make his award within 2 months or such further time as is extended by mutual agreement by the parties in writing. At the request of the parties time of making the Award was extended upto 31st October, 1970.

3. The facts of the case are that there are about 80 helpers in the company. They are posted in various sections and departments such as workshop (Approx

50), water supply (Approx. 25), Sampling & quarry sections (half a dozen). In 1960 the company had extended into a long term settlement with the workmen and the wage rates, D.A. & other conditions of service of the workmen were settled for 5 years. This settlement also provided for the upgradation of 60 posts of helpers in the workshop section so that semi-skilled workmen working as Mazdoors on various machines could be put in the grade better than that of the unskilled Mazdoors. Accordingly 60 Mazdoors working in the workshop section were posted as helpers in 1960. Subsequently by Joshi Award some more Mazdoors working in the blasting section were also upgraded to the post of helpers. The long term settlement dated the 2nd October, 1967 put all the mazdoors irrespective of their skill in the monthly rated of monthly paid category designation was changed as helper. It was also provided that as for water supply and any other amenities they were to be entitled to the same facilities as they were receiving during the period. They were in the daily rated weekly paid cadre up to 30th September, 1967 & nothing more. It was also agreed that "The existing mazdoors shall be given the grade of helpers effective from 1st October, 1967 but will carry out the duties of mazdoors as helper to."

4. In the settlement dated the 2nd October, 1967 the post of helpers has been included in the technical category. In the general category of the posts the post of khalasies exists in the grade of 45—2—50—65—EB—5—100 but this post has not been included in the technical grades but the next higher post to that of helpers is of attendants in the grade of 65—5—90—EB—7—132.

5. The settlement dated the 2nd October, 1967 also provides that the current promotion & selection Rules, House allowance & House Allotment rules shall be modified in consultation with the unions within 30 days from the date of the said settlement. Accordingly the said rules have been framed vide settlements dated the 1st October, 1967 & 9th March, 1969. In the settlement dated 29th March, 1969 which deals with the House allowance & House allotment rules, the house rent to be paid to various categories of employees has been fixed & this settlement is to remain in force for 5 years from 29th March, 1969. The dispute centres round the helpers in the workshop section, who have not been taken care of by these two settlements.

6. The management has taken a preliminary objection regarding the representation of the parties in the arbitration. The management has raised this objection which is produced here under vide their submission dated 31st August, 1970.

7. Preliminary Objection.

"The Rashtriya Gypsum Karamchari Sangh through its president Inayat Shah made an application to the Munsiff Magistrate, Bikaner claiming that the Rashtriya Gypsum Karamchari Sangh through its President Inayat Shah & its representatives Shri Gulam Shah & Shri Ramanlal are duly elected office bearers & in all negotiations to settlements they should be allowed to take part. This application was heard by the Munsiff Magistrate and he issued an injunction on the Management on 6th June, 1970 asking the management not to restrain the Rashtriya Gypsum Karamchari Sangh through its President Shri Inayat Shah and their representatives Shri Gulam Shah and Shri Ramanlal from taking part in any discussions and arriving at settlements etc. This order of injunction and the application is still pending before the Munsiff Magistrate, Bikaner.

8. There has been group rivalries within the Sangh over the question of duly elected office bearers for some time past (As a result of this group rivalry within the Sangh the disputes which now stand referred to the arbitrator could not be resolved).

9. On the 20th June 1970 by their letter of the same date the Sangh sent a letter to the management informing that all disputes of both the groups have been resolved and they notified in their letter the names of the undisputed and authorised office bearers of the Rashtriya Gypsum Karamchari Sangh. A copy of this letter was also sent by them to the Labour Enforcement Officer and other State and Central Government authorities. Basing on this letter the Management and the Sangh signed a settlement referring the concerned industrial disputes for arbitration under section 10A of the Industrial Disputes Act.

10 Before the arbitration settlement was published in the Gazette and before any proceedings were initiated by the arbitrator in the case the Rashtriya Karamchari Sangh through its President Shri Inayat Shah issued another letter bearing No. RGS/78/70 dated 31st July 1970 to the Labour Enforcement Officer and Mines Superintendent, Bikaner Gypsum Limited refusing and disowning the contents

of letter of 20th June, 1970 was submitted without permission of the working committee of the Sangh. Shri Inayat Shah President of the Sangh also stated among other things that Shri Gulam Shah, General Secretary of the Sangh has been suspended from the post of General Secretary. This letter through the President of the Sangh Shri Inayat Shah has beyond the injunction order also.

11. It will thus be clearly seen it is against the order of the injunction. The management cannot take part in any proceeding relating to the representatives of the Sangh without complying with the injunction order till the order is vacated.

12. It may be further submitted that the arbitration proceedings which have been referred for arbitration were pursuant to the Sangh's letter dated 20th June, 1970. The Sangh has disowned this letter by their letter dated 31st July, 1970 saying among other things that this letter has been written without the permission of the working committee of the Sangh. This would in effect mean that the arbitration agreement has been signed by the Sangh without the authority of the Sangh or in other words there is no effective settlement which has been signed by the Sangh. The management has recognised the Rashtriya Gypsum Karmchary Sangh as one of the representative union of the workmen under settlement dated 2nd October, 1967. Therefore the management cannot sign any settlement with anybody else other than the recognised bodies. As the Sangh has disowned action of the persons claiming to be the office bearers of the sangh who have signed this settlement dated 1st July, 1970. The arbitration agreement becomes null & void and not existance and apart from other considerations this also becomes opposed to the settlement dated 2nd October, 1967. Therefore there is no effective settlement for arbitration and as the sangh have initiated litigation on the issue of office bearers and as the case is still pending the matter is subjudice. There cannot therefore be any arbitration in this case till the matter is properly decided by the court before whom the case is pending "(submission of the management dated 31st August, 1970).

13. I have gone through the objection raised by the management regarding this representation and internal matter of the Rashtriya Gypsum Mazdoors Sangh, Jamsar.

14. In view of the provisions contained under section 10A sub-section 3(A), it is immaterial for me to go into this aspect because once the notification is issued by the Government of India referring the dispute to arbitration the matter goes beyond these objections. All persons concerned in this dispute are free to approach the arbitrator on the matters pending before him. I gave full opportunity to the various parties including the Gypsum Mines workers union which is another representative union of the workers.

15. The relevant provisions of law regarding the reference of dispute to arbitration are as under:—

- (10A) Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the dispute has been referred under section 10 to a Labour Court or Tribunal refer the dispute to and arbitration and the reference shall be to such person or persons (including the presiding officer of labour court or Tribunal or National Tribunal) as an arbitrator or arbitrators as may be specified in the arbitration agreement.
- (1A) Where an arbitration agreement provides for a reference of the dispute to an even number of arbitrators, the agreement shall provide for the appointment of another person as umpire who shall enter upon the reference if the arbitrators are equally divided in their opinion of the umpire shall prevail and shall be deemed to the arbitration award for the purposes of this act.
- (2) An arbitration agreement referred to in sub section(1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.
- (3) A copy of the arbitration agreement shall be forwarded to the appropriate Government and the Conciliation officer and the appropriate Government shall within (one month) from the date of the receipt of such copy publish the same in the official Gazette.
- 3(a) Where an industrial dispute has been referred to arbitration and the appropriate Government is satisfied that the persons making the reference represent the majority of each party, the appropriate Government may, within the time referred to in sub-section (3) issue a notification in such manner as may be prescribed and when any such

notification is issued, the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute shall be given an opportunity of presenting their case before the arbitrator or arbitrators).

(4) The arbitrator or arbitrators shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator or arbitrators as the case may be.

(4A) Where an industrial dispute has been referred to arbitration and a notification has been issued under sub-section (3A), the appropriate Government may, by order, prohibit the continuance of any strike or lock out in connection with such dispute which may be in existence on the date of the reference).

(5) Nothing in the arbitration acts 1940 shall apply to arbitration under this section.

16. The relevant rules for the central sphere are as under:—

(7) *Arbitration Agreement*.—An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in form C and shall be delivered personally or forwarded by registration post.

2. (to the Secretary to the Government of India in the Ministry of Labour) in triplicate the Chief Labour Commissioner (Central) New Delhi and the Regional Labour Commissioner (Central) and the Assistant Labour Commissioner (Central) concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators

(8) *Attestation of the Arbitration Agreement*.—The arbitration agreement shall be signed:—

(a) In the case of employer, by the employer himself, or when the employer is an incorporated company or other body corporate by the agent, managers or other principal officer of the corporations:

[(b)] In the case of the workmen, by any officer of a trade union of the workmen or by five representative of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

Explanation.—In this rule "officer" means any of the following officers namely:—

(a) The President.

(b) The Vice-President.

(c) The Secretary (including the general Secretary)

(d) a Joint Secretary.

(e) any other officer of the trade union authorised in this behalf by the President and Secretary of the Union.

2[(c)] In the case of an individual workman, by the workman himself or by any officer of a trade union of which he is a member or by another workman in the establishment duly authorised by him in this behalf. Provided that such workman is not a member of a different trade union.

[8(A) Notification regarding arbitration agreement by majority of each party.—Where an industrial dispute has been referred to arbitration and the Central Government is satisfied that the person making the reference represent the majority of each party. It shall publish a notification in this behalf in the official Gazette for the information of the employers & workmen who are not parties to the arbitration agreement but are concerned in the dispute].

17. From the above provisions of law, it is clear that once arbitration is accepted and the appropriate Government has issued a notification, the matter goes beyond the hands of parties and the arbitrator after the investigation has to submit his award to the Central Government. In my opinion once the matter has been referred to arbitration and Government is satisfied that the persons making the reference represent the majority of each party, neither the Government can withdraw it nor the parties can raise the issue of representation. In this connection the decision of Supreme Court of India in State of Bihar V/S D. N. Ganguly, A.I.R., 98 S.C. 1018-1959 G.O.R. 1191 is to be followed. The question was whether the Government had the power to supersede a reference of an industrial dispute

made by it under section 10(1) d of the I.D. Act. The discretion conferred upon the Government under section 10(1) to refer a dispute for refuse it and the description conferred under section 10A(3). In my opinion, once exercised cannot be revoked and finally decides the existence of an industrial dispute in the first case and that the persons making the reference to arbitration represent the majority of each party in the later case. With the publication of the notification, the question of representation in the arbitration proceedings is also finally decided and no dispute regarding representation can be raised by the parties. The stand taken by the management that an injunction has been issued by the court of the Munsiff Magistrate Bikaner does not come in conflict with these proceedings. The injunction was issued on 6th June, 1970 asking the management not to restrain the Rashtriya Gypsum Karmchhari Sangh through its President Shri Inayat Shah and Shri Gulam Shah and Shri Raman Lal from taking part in any discussions and arriving at settlement. This settlement for arbitration was arrived at on 1st July, 1970 and the Central Government published the notification on 1st August, 1970. The management was unable to give suitable explanation as to how this settlement was signed on the face of an injunction similarly the question as to why Central Government authorities were not apprised of the situation well in time by the management, remains—unreplied. The management has tried to put up that all this was done through fraud and misrepresentation by the Sangh. I am unable to accept this version because the question of representation is settled by the publication of the notification thereby giving full opportunity to every workman to put up this case before the arbitrator. Thus leaving no possibility for acting beyond the injunction issued by the Honourable Munsiff Magistrate. I therefore do not find any force on the preliminary objection and reject it, I proceed on the merits accordingly.

18. *Issue No. 1.*—As the term of reference would indicate I am to determine whether the helpers working in the workshop on various machines should be designated as Khalasis. The term of reference clearly confine my arbitration to the Helpers working in workshop of the company on various machines only and other helpers who are working in other section and those who are posted in the workshop section not working on machinery have been excluded for reasons not explained to me. My findings are therefore confined to these helpers only who are working in workshop on various machines.

19. In support of their demand the Rashtriya Gypsum Karmchhari Sangh have stated in their statement of claims that prior to the existing long term settlement dated 2nd October, 1967 the persons working on machineries were designated as helpers and rest of the workmen now in the category of helpers, were designated as Mazdoors and were in lower grade than that of the helpers and it was vide the said settlement that all the unskilled male & female Mazdoors were promoted as helper through the mazdoors continued to perform the same duties of unskilled nature as they were performing prior to this upgradation. They have further contended that the nature of the work done by the helpers working on various machines is semi-skilled while that of the other helpers is unskilled and that even the female mazdoors who are engaged essentially on unskilled jobs also been brought at par with the semi-skilled workmen, of the workshop section. They have also stated that prior to 2nd October, 1967 there existed much difference in the ways of even the male & female mazdoors who have since been promoted to the post of helpers and the difference between their wages and that of these helpers who working on machines has since been totally abolished. They have therefore, demanded that there has been an error/omission in the change of designation due to oversight and these helpers who are discharging the duties of semi-skilled nature have not been imparted justice. This matter has been continuously raised since 1967 by the parties but not settled and looking to the great frustration caused to the helpers, it was finally decided by the disputant parties to refer the dispute to arbitration for final settlement.

Another point of view is to consider whether in view of the settlements dated the 2nd October 1967 & 29th March, 1969, it is open to the Sangh to demand the redesignation of helpers in workshop working on machines as Khalasis. I have carefully considered the contentions of both the parties in this regard and am inclined to find that the nature of work done by the helpers working in workshop on various machineries is entirely different from that done by other helpers. From the settlement dated 20th August, 1960, it is evident that the management had admitted this fact that the job of such person was of semi-skilled nature and it was due to this fact that they had agreed to put them in the higher grade than other Mazdoors working in other sections as on other jobs. There is force in the contention of the Sangh that the work done by female

mazdoors is of unskilled nature and it can not be compared with that done by helpers in workshop section. The management have also admitted in their statement that the duties of the workmen promoted as helpers by settlement dated 2nd October, 1967 are duties of the mazdoors as they were doing up to that time and that these helpers (i.e. the helpers promoted by settlement dated 2nd October, 1967 are really doing the job of mazdoors which is unskilled job, on the other hand these helpers continued to discharge their functions as before though were graded in the category of mazdoors. From my investigation I conclude that the duties discharged by these helpers are much superior to the unskilled mazdoors since they involve sufficient mental and skill requirements, higher responsibility and labourous working conditions as compared to the unskilled job of the lower category of mazdoors. I therefore find that these workshop helpers working on machines should be paid according to the work actually performed by them and not by an artificial designation imposed on them without consideration of the work performed by them. The problem which arose in this dispute certainly aggravated due to the mingling of unskilled persons with that of skilled or semi-skilled persons. According to the grade structure for technical employees, the next higher scale is 65—5—90—EB—7—132 which has been given to attendants. It has been observed that there are hardly a few attendants in the total employment of the company which leave no chances of promotion. It seems only to be a formal grade in the case of helpers who are actually performing these functions; and denied the right of equal pay to equal work, unfortunately there is no job specification work sheets with the management, so that a scientific study of the various jobs like attendants, Khalasi, helper etc. can be made and workmen properly classified. It is also surprising to find that even peons, telephone attendants are given higher grades than these semi-skilled workers. In the absence of clear classification of jobs on scientific basis the helpers were unable to get a fair deal on the new wage structure, which became operative with effect from 1st October, 1967. The representative of another union informed me that the case of promotion of these helpers as attendants is also pending with arbitrator and an award is still awaited. Looking to all this, I hereby decide that the helpers who are working on the machines should be given the grade of 45—2—50—65—EB—5—100 so as to put them on a slight higher level than the unskilled labour. Looking to the special circumstances under which the wage structure was revised with effect from 1st October, 1967 to meet the ends of justice and the claim of these helpers, I award this to take effect from 1st October, 1967.

This is without prejudice to any further relief which may be granted to these helpers by way of promotion in the arbitration case already pending. The fixation in this grade will be done according to the same rule which have been followed in respect of other employees in pursuance of the agreement dated 2nd October, 1967.

Issue No. 2—The Sangh has contended that *vide* settlement dated 29th August, 1960 the benefit of house rent allowance was first introduced to compensate these employees of the company who were either not allotted company's quarters or were allotted quarters of lower standard than to what they were entitled. According to this settlement the house rent allowance to be paid and the types of quarters to which different categories of employees were entitled were settled for the period of the said settlement.

However, when fresh long term settlement was arrived at between the parties on 2nd October, 1967 the grades of almost all categories of the employees were revised and consequent to this it was felt that the house allotment and house allowance rules should also be revised, *vide* their settlement dated 29th March, 1969. The said rules were settled and accordingly the allowance was enhanced for some of the categories and the types of quarters to which they were entitled were also upgraded. Dissatisfaction among some of the workmen continued and the management further agreed to increase the said allowance in case of some categories but refused to increase the allowance to the helpers. The Sangh insisted that this allowance should be increased in case of helpers also. An agreement was signed on 29th May, 1970 which provided for the increased house rent allowance to the drillers but the category of helper was not taken into consideration. This settlement was entered with the Gypsum Mine Workers union only.

The Sangh has further contended that the management has brought the category of drillers, fitters, turners, welders, drivers and attendants who were in the grade of 65—5—90—EB—7—132 at par in the matter of house rent allowance with those workmen who are in the grade of 160—15—280—FB—20—400 & therefore their demand to keep the helpers at par in this matter by increasing their

house rent allowance to Rs. 6 p.m. from the present rate of Rs. 3 p.m. with Dressers, Peons, Cook etc. who are in the grade of 45—2—50—65—EB—5—100 is most justified.

20. The management have denied the contentions of the Sangh & have submitted that in view of items 3 & 5 of the memorandum of settlement dated 29th March, 1969 there cannot be any claim now or in future for increased house rent and that the rents fixed are final. According to the management if house rent allowance of helpers is increased than it will create serious anomaly & will open flood gates of demands for increased house rent and that the sanctity of the memorandum of settlement shall be broken and that any award contrary to the terms of settlement dated 29th March, 1969 shall be unjustified.

21. I have carefully examined the pros & cons of the issue and am inclined to feel that the management had increased the house rent of some of the categories from Rs. 6 p.m. to Rs. 13 p.m. by the settlement dated 29th May, 1970. I find that the management had reopened the already settled issue of house rent.

Keeping in view my decision on issue No. 1 of allowing a higher grade to the helpers working in workshop. I find full justification to award the increased house rent allowance of Rs. 6 p.m. to these helpers also so that they may be put at par with the peon etc. In my opinion this will finally close the chapter instead of creating further anomalies as anticipated by the management. These helpers shall be paid house rent allowance @ Rs 6 p.m. with effect from 1st October, 1967. They will be allowed corresponding type of accommodation. This is without prejudice to any benefit which these workers may subsequently get by the arbitration award when passed on the issue of line of promotion.

The arrears accruing to these helpers shall be paid within 30 days of the publication of this award in accordance with rules.

Sd/- R. D. GOSWAMI,
12-10-70

Personnel Officer Rajasthan Canal Project
Office of the Chief Engineer R.C.P. Bikaner.

[No. 30(4)/70-LR IV.]

S.O. 3731.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Saltore Colliery, Post Office Saltore, District Purulia, West Bengal and their workmen, which was received by the Central Government on the 3rd November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 30 OF 1970

PARTIES:

Employers in relation to the management of Saltore Colliery of Messrs Burrakur Coal Company Limited.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer

APPEARANCES:

On behalf of Employers.—Sri S. B. Sanyal, Legal Adviser, Bihar Organisation of Industrial Employers.

On behalf of Workmen.—Sri S. N. Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 1/22/70-LR II, dated July 14, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between employers in relation to

the management of Saltore Colliery of Messrs Burrakur Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely.—

- “(1) Keeping in view the recommendations of the Central Wage Board for the Coal Mining Industry, as accepted by the Government of India, in their Resolution No. WB-16(5)/66, dated the 21st July, 1967, whether the demand of the piece-rated workmen employed at Saltore Colliery of Messrs Burrakur Coal Company Limited, Post Office Saltore, District Purulia for payment of higher class time fare on the basis of their actual basic earning is justified? If so, to what relief are these workmen entitled and from what date?”
- (2) Keeping in view the recommendations of the Central Wage Board for the Coal Mining Industry, as accepted by the Government of India, in their Resolution No. WB-16(5)/66 dated the 21st July, 1967, whether the loaders and miner sirdars employed at Saltore Colliery of Messrs Burrakur Coal Company Limited, Post Office Saltore, District Purulia are entitled to any increase in their rate of commission? If so, to what relief are these workmen entitled and from what date?”

2. Saltore Colliery has closed down for good on and from June 5, 1970. This categorical statement was made in paragraph 1 of the written statement filed by the management. In the written statement filed on behalf of the workmen, represented by the Colliery Mazdoor Congress, the above statement stood admitted, in an unqualified manner, by paragraph 16 thereof. In paragraph 2 of written statement, filed on behalf of the workmen, it was, however, pleaded that the closure was mala fide and illegal. This, however, is not a matter of consequence. In the case of *Indian Hume Pipe Company Ltd. vs. their workmen*, (1969) 1 LLJ 242, the Supreme Court observed:

“In our opinion, it was not open to the tribunal to go into the question as to the motive of the appellant in closing down the factory at Barakar and to enquire whether it was bona fide or mala fide with some oblique purpose, namely, to punish the workmen for the union activities in fighting the appellant. It has been laid down by this Court in a series of decisions that it is not for industrial tribunals to enquire into the motive to find out whether the closure is justified or not.

* * * * *

In view of these decisions our conclusion is that once the tribunal finds that an employer has closed its factory as a matter of fact, it is not concerned to go into the question as to the motive which guided him and to come to a conclusion that because of the previous history of the dispute between the employer and the employees the closure was not justified. Such a closure cannot give rise to an industrial dispute.”

The same view was repeated by the Supreme Court in the case of *Kahnga Tubes Limited vs. their workmen*, (1969) 1 LLJ 557, in which it was observed that in one case it may be decided to close down because of financial or purely business reasons. In another case, it may be decided in favour of closure when faced with a situation in which it is considered either dangerous or hazardous from the point of view of safety of its administrative staff or members of the management or even the employees themselves to carry on the business. The essence of the matter is therefore the factum of closure by whatever reason motivated. Lastly, in the case of *Tatanagar Foundry Company, Ltd. vs. their workmen*, (1970) 1 LLJ 348, the Supreme Court observed that it must be a closure in fact and not a mere pretence of closure. It was further held that the motive behind the closure was immaterial and what should be seen was whether it was an effective one.

3. The admitted position in this Reference, is that there has been in fact a closure. I am not concerned with the refinement whether such a closure was motivated by mala fide intentions. If there was a closure, then the law is also well settled that there cannot be an industrial dispute in respect of a closed industry. The entire scheme of the Industrial Disputes Act assumes that there is in existence of an industry and then proceeds to provide for various steps being taken when a dispute arises in that industry. Where the business has been closed down in fact, any dispute arising therefrom, if such a dispute can be conceived between quondam employers and the employees, would fall outside the purview of the Industrial Disputes Act. Faced with this difficulty Mr. S Banerjee, learned Advocate for the workmen, toned down the demand and submitted that the dispute arose prior to the closure of the industry and this tribunal was competent to adjudicate upon so much of the dispute as was pending prior to the closure of the industry. In support of this proposition, he invited my attention to an old

decision of the Supreme Court in *Pipraich Sugar Mills, Ltd. vs. Pipraich Sugar Mills Mazdoor Union*, (1957) 1 LLJ, 235, in which Venkatarama Ayyar, J. speaking for the Court, observed:

"But it is argued for the appellant that even so, the notification, dated 16 November 1951, would be incompetent as the industry had been closed before that date, and there was therefore no relationship of employer and employee at that point of time. In other words, the power of the State to make a reference under S.3 will depend, according to the appellant, not only on the dispute having arisen in an existing industry but further, on the continued existence of that industry on the date of the notification. We do not find anything in the language of S.3 of the Act to warrant the imposition of this additional limitation on the power of the State to make a reference. That section only requires, apart from other conditions, with which we are not concerned, that there should be an industrial dispute before there can be a reference, and we have held that it would be an industrial dispute if it arises out of an existing industry. If that condition is satisfied, the competence of the State for taking action under that section is complete, and the fact that the industry has since been closed can have no effect on it. Any other construction would, in our opinion, result in serious anomalies and grave injustice. If a workman improperly dismissed raises an industrial dispute, and before action is taken by the Government the industry is closed, what happens to the right which the Act gives him for appropriate relief, if the Act vanishes into thin air as soon as the industry is closed? If the contention of the appellant is correct, what is there to prevent an employer who intends, for good and commercial reason, to close his business, from indulging on a large scale in unfair labour practice, and escaping the consequences thereof by closing down the industry? We think that on a true construction of S.3 the power of the State to make a reference under that section must be determined with reference not to the date on which it is made but to the date on which the right which is the subject-matter of the dispute arises, and that the machinery provided under the Act would be available for working out the rights which had accrued prior to the dissolution of the business."

4. This takes me to the question as to when the dispute did arise. On behalf of the management, Mr. S.B. Sanyal contended that the dispute arose for the first time when the Colliery Mazdoor Congress raised the same, for the first time, before the Conciliation Officer, by a letter dated March 29, 1970 and not prior to that. On behalf of the workmen, however, it was contended that the dispute was raised, by the Trade Union, in November 1968, when a written demand was submitted to the management. Relevant portion of the evidence, on this point, was the oral evidence of Mahendra Narayan Singh, the Assistant Secretary of the Colliery Mazdoor Congress, who stated in his examination in-chief:

"In November 1968, we submitted a written demand for higher class rail fare to the Company. That paper I have not with me now."

It was suggested to him in cross-examination that no such demand had been made in November 1968. He however denied the same. When the sole witness for the management, Mohd. Kassem, was deposing, the only question that was put to him was whether there had been any strike notice issued in November 1968 to which he gave a negative answer. The categorical question whether a demand for higher class railway fare had been made by the workmen was not put to him.

5. The letter, by which the demand was alleged to have been made, was not called for from the management. No copy of the same was produced before this tribunal. The case of demand made in November 1968 was not pleaded in the written statement. All on a sudden, the story of the demand in November 1968 was put in oral evidence. I find it difficult to believe in such a story, particularly regard being had to the sudden manner in which the story was revealed. I do not therefore hold that the dispute was raised at any time prior to March 29, 1970.

6. Turning now to the merits of the claim in the first item of the Schedule to the order of Reference, I find that the Report of the Central Wage Board for Coal Mining Industry (page 70 of the Report) prescribes the following basic and fall

back wages for Group III and Group IV workmen, to which groups most of the piece-rated workmen belong:

	Basic	Fall back.
Group III	5.9	5.25
Group IV	6.00	6.00

About payment of railway fare to the workmen, the Report contains the following provisions, at page 131, para 34:

"34. There is one other matter which we have to deal with. The classes by which the workmen are entitled to travel home while on leave is determined on their present basic pay which as laid down in the Model Standing Orders for the Coal Mining Industry is as follows:

- | | |
|--|-----------|
| (i) If his basic wage is Rs. 70 p.m. or less | III class |
| (ii) If his basic wage is more than Rs. 70 p.m. but less than Rs. 150 p.m. | II class |
| (iii) If his basic wage is Rs. 150 p.m. or more | I class |

As has been stated in an earlier chapter of this Report we are consolidating the wages of the workmen at index No. 166 which has increased the basic wages of the workmen substantially. Therefore, as a necessary consequence we will have to make suitable adjustments in those salary slabs. We have carefully considered this matter and recommend as follows:

If the workmen's basic wage is Rs. 165 or less per month III class

If the workmen's basic wage is above Rs. 165 and upto Rs. 265 p.m. II class

If the workmen's basic wage is above Rs. 265 per month I class "

Therefore, on a plain reading of paragraph 34 at page 131, the railway fare has to be calculated on the basis of the basic wage as indicated at page 70 of the Report hereinbefore quoted. Mr. Banerjee, however, read out to me paragraphs 49 and 50 of the Report at page 73, which I set out below:

"49. As there is no fixed work-load for piece-rated trammers, their piece-rates vary not only from colliery to colliery but also from section to section depending mainly upon distance gradient and turn-over of tubs. As we have given a 23 per cent increase to the miners and loaders we would provide the same rate of increase in their basic consolidated rate, inclusive of attendance bonus which should be worked out as follows:

"For a period of two months before the date on which our recommendations come into effect the total earnings of a gang of piece-rated trammers in a particular section shall be divided by the total number of tubs trammed in that period and this would be the new consolidated basic rate. The total earnings referred to above shall include Basic Wage plus Dearness Allowance plus Variable Dearness Allowance plus the two interim wage increase recommended by this Board and the attendance bonus. This basic consolidated rate thus arrived at will be increased by 23 per cent; To illustrate, if the rate for tramming is 12 paise per tub and on an average each trammer in the gang has husted 10 tubs per shift, his earnings will be calculated as follows:—

	Rs.
Basic Wage for 10 tubs at 12 paise per tub	1.20
Dearness allowance	1.58
Variable Dearness Allowance (7 slabs of 19 paise each)	1.33
Two Interim Wage Increases	0.56
Attendance Bonus	0.40
	<hr/> 5.07

Therefore, the consolidated tub rate on this basis will be Rs. 0.51 per tub (Calculated to the nearest integer).

50. Under our recommendation this consolidated tub-rate of 51 paise per tub shall be increased by 23 per cent, i.e. by 12 paise to the nearest integer. Thus, the new consolidated rate inclusive of Bonus @ 10 per cent will be Re. 0.63 paise per tub. In other words the new

basic rate per tub exclusive of bonus would be 0.57 paise per tub. However, if under the terms of this recommendation his total basic wage per day works out to less than Rs. 6.00 per day which we are recommending for his group (Group IV) the rate per tub should be further increased to enable him to earn this basic wage."

and submitted that the railway fare should be calculated on the basis of the basic consolidated wages and not on the footing of the basic wage only. He submitted further that if a piece-rated workman succeeds in filling up greater number of tubs, his basic wage should be calculated accordingly in the higher level and his railway fare should correspondingly go up. I do not find substance in this argument. Paragraph 34 at page 131 directs payment of railway fare on the basis of basic wage only and not on the footing of the increased consolidated wages. There is no dispute that the workmen are being paid their railway fare on the basis of the basic wages.

7. I am thus not prepared to grant any relief to the workmen so far as the first item is concerned for the two-fold reasons, (a) there is nothing to show for how long the dispute was pending before the closure and (b) assuming that the dispute was pending since November 1968, which of course I do not hold, the workmen were being paid the rightful amount, by way of railway fare, under the recommendations of the Central Wage Board for Coal Mining Industry.

8. I turn now to the second item of the dispute as in the Schedule to the Order of Reference. It appears from the award, dated December 30, 1959, by Sri A. Das Gupta, in the Colliery Disputes Arbitration:

"10. In the past the sirdars used to supply labour to the collieries. Colliery labour was migratory in the past and sirdars had to recruit labour and supply labour to the colliery and were paid a commission in the output of their men. The Commission was related to the output of the men of the sirdars, obviously as an inducement to the sirdars to supply hard working men. The sirdars had full control on his men and could withdraw them from collieries at their will. These men have since been absorbed as direct workmen under the collieries. Now, with the progress of the welfare activities of the colliery workers, the service conditions have become fairly attractive and there is no longer any necessity to send out men for recruitment of labour as in the past. In the past, these sirdars supervised the work of their men because on the result of their men depended their commission.

14. *** I may accordingly classify the sirdars as indicated below:

1. Working Sirdars—

- (a) Those who do manual work with the members of their respective gangs;
- (b) Those who actively supervise a gang of not less than 13 persons on an average.

Supervision contemplated under this clause must be such supervision as has been imposed on the sirdars by the management and brings the sirdar under the control and discipline of the management.

2. Non-working Sirdars—

- (a) Sirdars who do not work along with the other members of their respective gangs or are not required by the management to carry on any supervisory duties and are not subject to the control and discipline of the management as indicated in clause 1(b) but do some supervisory work which are self-imposed and are promoted by self-interest to increase the outputs of their respective gangs and their remuneration.
- (b) Sirdars who have no activity, manual or supervisory, imposed by the management or self-imposed who may be called sleeping sirdars.

* * * * *

15. In the context of what I have said, the necessity for recruitment of labour though sirdars no longer exists, the sirdars have become superfluous. The sirdars under class 2(b) or sleeping sirdars have no justification to have increment in their rates. The sirdars under clause 2(a) who carry on self-imposed supervisory duties in their own interest have also no justification to claim any increase in their sirdari rates. It has been urged that the supervision which this class of

sirdars does although self-imposed purports to benefit the collieries inasmuch as such supervision tends to increase the production. The collieries have elaborate arrangements for supervision and are not in need of any self-imposed supervision of the sirdars. It has not been pointed out by any statistics that production would have been less if there was no such supervision by these sirdars. Such self-imposed supervision proceeds from a suspicion in the minds of the sirdars that the workers will not give proper output if there is no such supervision. In my opinion this class of sirdars has no justification for any increment in their sirdari rates."

About the existence of sirdars, there was great divergence of evidence. Mohd. Kassen, the Manager of Saltore Colliery, stated in his examination in-chief:

"We do not have any miner sardar at Saltore colliery and do not know their work. Then says, in other collieries I met with Miner sardars whose functions were to recruit workmen on behalf of the company, to arrange for their messing and to supervise their work. I do not know Lekha Dosad and Ratan Roy, though I heard that they had been in the employ of the company before I joined. There were some 'khati' sardars at Saltore colliery but they worked as miners and did not do any extra work. Excepting Mining Sirdars and Khati sardars already spoken of, we have no other sardars at Saltore colliery. The khati sardars got their usual increase in wages after the implementation of the Wage Board recommendations. Misri Sardar, Trisul Sardar, Dwarik Sardar, Sito Sardar, Rameswar Sardar and Mongal Singh Sardar are all Khati Sardars."

In cross-examination, however, he stated:

"The Saltore colliery paid commission to Sardars upto the date of closure. The commission paid to sardars was not in their capacity as miners but as sardars. The rate of that commission was 4.5 paise per tub. There was no increase of this rate by 23 per cent after the publication of the recommendations of the Wage Board so far as I am aware. These khati sardars are also known as Gang sardars. These sardars were never allotted any work of recruitment of labour. We used to pay railway fare, on the basic wage."

Mahendra Narayan Singh, the Assistant Secretary of the Colliery Mazdoor Congress, however, stated in his examination in-chief:

"I dispute the statement of the Company in the written statement that these persons no longer carry on Sardari work in the colliery. Sardars supply to the workmen shovels and baskets from the Company's stores and report their difficulties if any to the officers."

In his cross-examination, however, he stated:

There are following sardars in Saltore colliery. Misri Sardar, Trisul Sardar, Dwarik Sardar, Sito Sardar, Rameswar Sardar, Mangal Singh Sardar and 5 or 6 more whose names I cannot remember. These persons are known as Gang Sardars and not as Khati Sardars. Khati is a local expression generally meaning a gang.

Ques. I put it to you that there were only two sardars who used to work in Saltore colliery, who were named Lekha Dosad and Ratan Roy and that they are no longer in service?

Ans. I do not admit that they were ever the sardars in Saltore colliery.

The persons whom I have named as sardars previously used to recruit labour. They do not do so now. These sardars cannot take any disciplinary action against workmen in their respective charge. The Sardars are not entitled to withdraw a workman from the service of the company. Sardars also manually work along with the gangmen. These sardars have been granted 23 per cent increase in wages so far as they work as miners. They have not been granted such increase in respect of their sardari work. I deny your suggestion that these sardars do not carry on supervision work. Mining Sardar is a different person than what is indicated by miner sardar. I deny your suggestion that Mining sardars, overman and Munshis supervise tub loading and nobody else."

9. There is nothing contained in the recommendations of the Wage Board which particularly justifies increase in the rates of commission payable to sirdars. I have doubts, regard being had to the state of evidence, if sardars do transact sardari business now-a-days, at least at Saltore colliery. In so far as the sardars'

do manual work along with other workmen, they get an increase in wages. In so far as they earn a commission for reasons good, bad or indifferent, no increase has been made and there is no justification for such increase proved before me. I am therefore of the opinion that the workmen are not entitled to any relief in the second item of the dispute referred to this tribunal.

10. In the result, I hold:

- (i) Keeping in view the recommendations of the Central Wage Board for the Coal Mining Industry, as accepted by the Government of India, in their Resolution No. WB-16(5)/66 dated the 21st July, 1967, the demand of the piece-rated workmen employed at Saltore colliery of Messrs Burrakur Coal Company Limited for payment of higher class train fare on the basis of their actual basic earning was not justified. That being so, they are not entitled to any relief.
- (ii) Keeping in view the recommendations of the Central Wage Board for the Coal Mining Industry, as accepted by the Government of India, in their Resolution No. WB-16(5)/66 dated the 21st July, 1967, the loaders and miners sardar in Saltore colliery of Messrs Burrakur Coal Company Limited are not entitled to any increase in the rate of their commission. As such, they are not entitled to any relief.

This is my award.

Dated, October 22, 1970.

(Sd.) B. N. BANERJEE,

Presiding Officer.

[No. 1/22/70-LRII.]

S.O. 3732.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Angarpathra Colliery of Messrs East Angarpathra Colliery Company (Private) Limited, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 2nd November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 11 OF 1970

PRESENT:

Sri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the management of Angarpathra Colliery of Messrs East Angarpathra Colliery Co. (P) Ltd.,

Vs.

Their workmen.

APPEARANCES:

For employers.—Sri R. P. Dabral, Welfare Officer.

For workmen.—Sri H. N. Singh, Vice President, Koyala Ispat Mazdoor Panchayat.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, Dated the 22nd of October 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Angarpathra Colliery of Messrs East Angarpathra Colliery Company (Private) Limited, Post Office Katrasgarh, District Dhanbad and their workmen, by its order No. 2/203/69-LRII dated the 19th January, 1970 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect to the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

THE SCHEDULE

“Whether the management of Angarpathra Colliery of Messrs East Angarpathra Colliery Company (Private) Limited, Post Office Katrasgarh,

District Dhanbad was justified in refusing wages to the undermentioned fifteen Coal Cutters for the 23rd August, 1969? If not, to what relief are the Workmen concerned entitled?"

S. No.	Name	Designation
1	Hublal Pasi	Coal cutter
2	Chedi Pasi	Do.
3	Lala Pasi	Do.
4	Ramadhari Pasi	Do.
5	Harilal Pasi	Do.
6	Kalu Pasi	Do.
7	Sanichar Bhuia	Do.
8	Chota Sorai Bhuia	Do.
9	Kishun Bhuia	Do.
10	Srimahato	Do.
11	Bhuneswar Mahato	Do.
12	Dhanu Das	Do.
13	Dahu Gope	Do.
14	Kamta Gope	Do.
15	Rajpat Kewat	Do.

2. Shri H. N. Singh, Vice President, Koyala Ispat Mazdoor Panchayat representing on behalf of the workmen and Shri R. P. Dabral, Welfare Officer of the East Angarpathra Colliery Co. (P) Ltd., representing on behalf of Employers presented before me on the 19th of October, 1970. They both submitted that the dispute has been settled amicably through compromise and also filed the necessary memorandum of compromise and prayed that an award in terms thereof be passed. The memorandum of compromise has duly been verified by Shri H. N. Singh, Vice President of the Union for and on behalf of the workmen and by Shri Gopal Krishna, Manager of Angarpathra Colliery for and on behalf of the Employers.

3. According to the terms and condition of the Memorandum of Compromise the Management has agreed to pay lay off wages to all the 15 concerned workmen in the schedule of reference for the 23rd August, 1969 and I find the same as justified, reasonable and acceptable and hence pass my award in terms of the Memorandum of Compromise which is enclosed herewith as Annexure 'A'.

4. This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 5) DHANBAD

REFERENCE No. 11 OF 1970

PARTIES:

Employers in relation to Angarpathra Colliery of M/s. East Angarpathra Colliery Co. Pvt. Ltd., P. O. Katrasgarh District Dhanbad.

AND

Their workmen represented by Koyala Mazdoor Panchayat, P. O. Jharla District Dhanbad.

Short recital of the case

15 coal cutters mentioned in the Schedule of this reference were stopped from work on 23rd August 1969. The Union demanded full wages for the workmen for 23rd August 1969 when their work was stopped by the management. The matter was taken up in conciliation and a failure report was submitted by the Assistant Labour Commissioner (C) Dhanbad-I to the Government of India, in the Ministry of Labour and Employment. This dispute has been referred for adjudication by the Government of India to the Central Government Industrial Tribunal No. 3 Dhanbad Vide notification No. 2/203/69-LR II dated 19th January, 1970.

In the interest of mutual good relation the parties have composed of this dispute on the following terms.

Terms of settlement

(1) The Management agrees to pay lay off wages to all the 15 coal cutters named in the Schedule of this reference for 23rd August 1969.

On behalf of the workmen.

On behalf of Employers.

(Sd.) H. N. SINGH,

(Sd.) GOPAL KRISHNA,

Vice President.

Manager,

Koyala Mazdoor Panchayat, Jharia.

Angarpathra Colliery,

M/S. East Angarpathra Coal Co. Pvt. Ltd.,

P. O. Katrasgarh (Dhanbad).

Witness:—

(1) (Sd.) Illegible

(2) (Sd.) Illegible.

[No. 2/203/69-LRII.]

S.O. 3733.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of New Marine Colliery, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 31st October, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 33 OF 1969

PRESENT:

Sri Sachidanad Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the management of New Marine Colliery,

Vs.

Their workmen.

APPEARANCES:

For the employers.—S/Sri S. S. Mukherjee and P. K. Bose, Advocates.

For the workmen.—Sri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, Dated the 17th October 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of New Marine Colliery, Post Office Kusunda, District Dhanbad and their workmen, by its order No. 2/253/68-IR dated the 13th of May, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the action of the management of New Marine Colliery, Post Office Kusunda, District Dhanbad in offering alternative employment as earth cutters, and not paying lay off compensation, to the following workmen from the 23rd September, 1968 till the dates they were

given employment in their respective posts, was justified? If not, to what relief are the workmen entitled?

<i>Sl. No.</i>	<i>Name of the workmen.</i>	<i>Designation.</i>
1	Shri Somar Rawani	Winding Eng'ne Khalasi
2	Shri Kamal Gope	Do.
3	Shri Ramdas Dusadh	Onsetter.
4	Shri Rameswar Singh	Do.
5	Shri Chamari Sonar	Banksman
6	Shri Kishun Dusadh	Do.
7	Shri Tanka Mahato	Do.
8	Shri Dhanu Dusadh	Do.
9	Shri Rameswar Ram	Do.
10	Shri Ramkishore Gope	Boiler Fireman
11	Shri Ashari Deswali	Trammer
12	Shri Gulcswar Dusadh	Do.
13	Shri Puna Bhuiya	Do.
14	Shri Baijnath Dusadh	Do.
15	Shri Ramtahal Dusadh	Do.

2. The General Secretary, Bihar Koyala Mozdoor Subha filed written statement on behalf of the workmen on 1st August, 1969. Their case is that the management of the New Marine Colliery laid-off the concerned workmen along with some others with effect from 12th September, 1968 on the ground that the workings in 10, 11 and 12 seams have got drowned and there has been reduction in work. The management issued letter dated 24th September, 1968 to the workmen stating that they were provided with the alternative job of cutting earth on surface for the construction of the stowing bunker and the formation of tramline bank for the hard coke ovens and the concerned workmen were asked to report on duty for the above work on the following day of the receipt of that letter failing which they shall not be entitled to the lay-off compensation. The concerned workmen refused to accept the alternative job on the ground that they were not acceptable.

3. Their case is that the Winding Engine Khalasi, Banksman, Onsetter and Boiler Fireman are all skilled workmen and are competent persons under the provisions of the Mines Act and Regulations made thereunder and the Trammers are in semi-skilled category and their job is to handle the coal tubs over the tramlines spread out in the mines.

4. According to the Union the job of cutting earth and making bank cannot be deemed suitable and proper alternative jobs for the workmen who have been employed as Winding Engine Khalasi, Banksman, Onsetters, Fireman and Trammers. According to them the alternative job of cutting earth and making bank was totally unjustified and malafide and it amounts to unfair labour practice and therefore according to the Union the action of the management of New Marine Colliery in not paying the lay-off compensation to the concerned workmen from the 23rd September, 1968, till the dates they were given work in their respective posts was not justified and they are entitled to get the due lay-off compensation for the period of lay-off.

5. The management have filed written statement on 3rd June, 1969. Their case is that as the workings No. 10, 11 and 12 seams got drowned and there was considerable reduction in work, 43 workmen of different categories were laid off by notice dated 11th September, 1968 and they were asked to report every day at 10 A.M. in the colliery office for getting their attendance recorded. For this purpose an attendance register was opened and the laid-off workmen recorded their attendances themselves on the register on dates they reported in the colliery office.

6. Due notice of the above lay-off was also intimated to the Regional Labour Commissioner (C) Dhanbad in the prescribed form and also to the Secretary, Colliery Mazdoor Sangh, New Marine Colliery, the recognised union.

7. As the management was able to find some alternative job of cutting earth on the surface for the construction of stowing bunker and the hard coke tram line bank the laid off workmen belonging to the categories of trammers, Wagon Loaders, Banksman, Onsetters, Shale pickers boiler firemen and winding engine

khalasis were offered the above alternative job by a general notice dated 21st September, 1968. The above alternative job did not call for any special skill and the workmen concerned were capable to perform the same.

8. In pursuance of the above notice most of the laid-off workmen belonging to different categories accepted the alternative job. 18 workmen however did not report for duties and individual notices dated 24th September, 1968 were issued to them. After the issue of individual notice dated 24th September, 1968, 3 out of the 18 workmen came and joined the alternative job.

9. Even after the issue of the individual notice dated 24th September, 1968 the concerned 15 workmen did neither accept the alternative job offered to them nor recorded their attendance with effect from 26th September, 1968. It was therefore, submitted on behalf of the management that as the concerned workmen refused to accept the alternative job and they also did not get their attendance marked with effect from the 12th September, 1968 they are not entitled to any lay-off compensation.

9A. On behalf of the management one witness viz., MW-1 Devendra Singh, Manager of the Colliery was examined and 8 items of documents were exhibited and they are marked as Ext. M-1 to M-8. On behalf of the Union 2 witnesses viz., WW-1 Sommar Rawani and Ramkishore Gope were examined.

10. The point for consideration is whether the management was justified in offering alternative employment as earth cutting and not paying lay off compensation to the concerned workmen from the 23rd of September, 1968 till they were given employment in their respective posts?

11. MW-1 Sri Devendra Singh, Manager of the Colliery has stated in his evidence that due to the excessive rain working of No. 10, 11 and 12 seams were drowned and there was considerable reduction in working and so 43 workmen were laid-off. WW-1 Sri Somar Rawani has stated in his evidence that he was working as Winding Engine Khalasi at No. 4 pit Karkend and that the mine was flooded during the period they were laid-off and he further stated that during the lay-off period the working of engine was stopped. WW-2 Sri Ramkishore Gope has stated in his evidence that he was fireman in Karkend Pit and that Karkend Pit was flooded and it was not working during the period of lay-off.

12. Therefore, there is no dispute regarding the justification of lay-off. There was necessity to stop the working of some seams due to inundation of the mine. The dispute arose when the alternative job of earth cutting was offered to the concerned workmen.

13. Ext. M-5 is the notice dated the 21st of September, 1968 offering alternative job of earth cutting on surface for construction of the stowing bunker and the hard coke tram line bank. Ext. M-1 is the notice issued to the concerned workmen stating that they were provided with the alternative job of cutting the earth on surface for the construction of the stowing bunker and the formation of tramline bank for the hard coke ovens but they have not reported on duty for the above work and therefore, they were asked to report for duty immediately on the next date failing which they shall not be entitled to lay-off compensation.

14. Therefore, the point for consideration is whether this offer of alternative job to the concerned workmen by the management was justified?

15. The main provision for payment of lay-off compensation is contained in Section 25-C. The provision of Section 25-E carve out an exception to the general provision for payment of lay-off compensation. In cases falling under any of the three clauses of Section 25-E no compensation is payable to a laid-off workman. Accordingly, a laid-off workman shall not be paid compensation:

I. If a laid off workman refuses to accept alternative employment provided that such alternative employment is (a) in the same establishment from which he has been laid off or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs or in the opinion of the employer the alternative employment does not call for any special skill or previous experience and can be done by the laid-off workman and it carries the same wages which would normally have been paid to the workman in his original employment;

II. If the laid-off workman does not present himself for work at the establishment at the appointed time during normal working hours at least once a day:

III. If the lay-off is due to a strike or a go-slow on the part of workmen in another part of the same establishment. (We are not concerned with this clause).

16. The expression 'any alternative employment' occurring in Section 25-E has been the subject matter of interpretation in the case reported in 1956 (I) L.L.J., page 327 and there it was held that the expression 'any alternative employment' means any other similar or like or equivalent employment to the original job. In that case it was observed as follows:—

"The offer of only one employment was enough but that employment should have been such as would be like, similar or substitute of the original job. We are afraid if we refuse to give this plain and simple meaning of the phrase "any alternative employment", we will be reducing the situation to an absurdity; for, a weaver or another technician could be offered, according to this, the job of a coolie or a sweeper or even of a scavenger if it was vacant."

17. I entirely agree with this interpretation of the expression "any alternative employment" occurring in Section 25-E.

18. In the instant case the case of the Union is that the management has offered such employment to the workmen as were not acceptable to them and the offer of the job of earth cutting was against the nature and spirit of law and therefore, the workmen claimed that they were entitled to lay off compensation as provided under Section 25-C of the Industrial Disputes Act, and that they could only be deprived of this right by providing alternative employment to them in accordance with the essence and spirit of the provisions of the Act.

19. In this case the management has filed the attendance registers from September, 1968 to December, 1968 in order to show that no new man was appointed by the management and this was also not challenged by the Union during the argument.

20. It is common ground that alternative jobs were in fact offered to the concerned workmen and that they refused to accept the same. It is not the case of the workmen that the wages offered for these alternative job were lower than their original emoluments. It is also not the case of the workmen that the new job offered required any special skill or previous experience or that they could not do them. The case of the workmen really is that they were skilled operatives and technical workmen, whereas the job offered to them were those of unskilled mazdoor and this was not in accordance with the essence and spirit of the provisions of S.25-E(1) and therefore, according to the workmen these jobs could not be acceptable to them.

21. The order of reference shows that the workmen mentioned in serial Nos. 1 and 2 are Winding Engine Khalasies, 3 and 4 are Onsetters, 5 to 9 are Banksman, 10 is Boiler Fireman and workmen mentioned in Sl. Nos. 11 to 15 are Trammers. According to the Union the workmen mentioned in serial Nos. 1 to 10 are skilled workmen. The order of reference shows that the workmen mentioned in serial Nos. 1 to 10 are competent persons as defined in Sub-Regulation 7 of Regulation 2 of Coal Mines Regulations, 1957.

22. The duties and responsibilities of a competent person are defined in chapter 5 of the Coal Mines Regulations 1957 which shows that the workmen mentioned in serial Nos. 1 to 10 have got job status and particular work has been allotted to them.

23. Therefore, I find that, the workmen mentioned in serial Nos. 1 to 10 in the order of reference are skilled workmen with technical knowledge, whereas the jobs offered to them were those unskilled mazdoors and this is not in accordance with essence and spirit of the Section 25-E(1). In other words the job could not be acceptable to them.

24. I, therefore, hold that the jobs of earth cutting that was offered to these concerned workmen mentioned in serial Nos. 1 to 10 were not alternative employment within the meaning of Section 25-E and therefore, they are entitled to get lay off compensation according to S. 25-C of the Industrial Disputes Act, 1947. The workmen mentioned in serial Nos. 11 to 15 were trammers and the job of earth cutting were offered to them as alternative job. The alternative job of earth cutting appears to be acceptable in the case of these trammers and therefore, I hold that the acceptable alternative jobs were offered to these concerned workmen mentioned in serial Nos. 11 to 15 and they have refused and therefore, they are not entitled to any compensation under the Industrial Disputes Act, 1947.

25. This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAD SINHA, Presiding Officer,
[No. 2/253/68-LR II.]

S.O. 3734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Western Kajora Colliery, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 30th October, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 33 OF 1970

PARTIES:

Employers in relation to the management of Western Kajora Colliery,

AND

Their workmen.

PRESENT.

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri P. C. Roy, Labour Officer.

On behalf of Workmen—Md. Yahya, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 1/26/70-LR II, dated July 17, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Western Kajora Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Western Kajora Colliery, Post Office Raniganj, District Burdwan was justified in retrenching Sarvashri Basant Pashwan, Trammer, Jiban Gope, Under Ground Trammer, Bhoj Prasad, T/Mazdoor, Dela Akuria, S/Trammer, Bidya Mahato, Line Mazdoor, Mongae Gope, S/Trammer, Monohar Gope, S/Trammer, Paresh Bouri, Under Ground Trammer, Kani Passi, Under Ground Trammer, Prayag Prasad, U.G. Trammer, Balaram Gope, T/Mazdoor, Hansaraj Tewary, U.G. Trammer, Dharma Bouri, S/Trammer, Raj Narayan Singh, U.G. Trammer, Bhaginath Paswan, U.G. Trammer, Ashu Akheria, S/Trammer, Shyam Sundar Rai, U.G. Trammer, Sita Nath Rai, T/Mazdoor, Budhan Bouri No. (2), S/Trammer, Bhola Prasad, U.G. Trammer with effect from the 13th April, 1970, and if not to what relief are they entitled?"

2. The management filed a written statement but the workmen did not. It is not necessary for me to go into the dispute any longer, because the parties have settled the dispute outside this Tribunal and in token thereof have filed a memorandum of settlement before this Tribunal. They pray for an award in terms of the settlement. Now, that the dispute has been settled, I pass an award in terms of the settlement. Let the memorandum of settlement form part of this Award. Dated, October 24, 1970.

(Sd.) B. N. BANERJEE,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 33 of 1970.

AND

In the matter of: Employers in relation to the Western Kajora Colliery P.O. Raniganj Dist. Burdwan

AND

In the matter of: Their workmen represented by Colliery Mazdoor Sabha (CITU), Raniganj.

To

The Hon'ble Presiding Officer of the Central Government Industrial Tribunal—

1. The above matter is fixed for hearing today the 23rd October 1970.

That the dispute was mutually settled in a joint meeting of the parties held on 25th July, 1970.

That the terms of agreement is given below:

Short recital of the case

The Colliery Mazdoor Sabha (CITU), Raniganj raised an industrial dispute over alleged unjust and illegal retrenchment of ten underground trammers, six surface trammers, three timber mazdoors and one line mazdoor before the Assistant Labour Commissioner (C), Raniganj under its Vice-President's letter No. Nil dated 16th April, 1970. The dispute was taken up in conciliation by the Assistant Labour Commissioner (C), Raniganj which ended in failure and he had submitted his report on failure of conciliation under his letter No. COR-16(126)/70 dated the 7th May, 1970. The parties held discussion in this connection on several occasion and finally during the course of discussion held between the parties on the 25th July, 1970 the instant industrial dispute was amicably settled between them on the following terms:—

Terms of Agreement

1. It is agreed between the parties that the under mentioned nine workmen shall be provided employment with continuity of service with effect from 30th July, 1970 on the post indicated against their names:—

- (1) Shri Dharma Bouri, Surface trammer.
- (2) Shri Monohar Gope, Surface trammer.
- (3) Shri Balaram Gope, Timber Mazdoor.
- (4) Shri Bidya Mahato, Line Mazdoor.
- (5) Shri Bhoj Prasad, Pick Miner.
- (6) Shri Pravag Pashi, Pick Miner.
- (7) Shri Pareh Bouri, Pick Miner.
- (8) Shri Basant Paswan, Pick Miner.

2. It is agreed between the parties that in the event of future vacancies in the post of underground trammers the cases of the workmen named above will be considered and will be given preference in employment as trammers.

3. The management and the union agreed to discuss mutually the question of payment of wages for the period of unemployment of the above named workmen at a later date.

4. The representative of the management stated that the workmen named below have taken their full and final settlement. The representative of the union, however, did not dispute the statement of the management:—

- (1) Shri Sitanath Roy *alias* Sitanath Rai
- (2) Hansha Nath Tewari *alias* Harsharaj Tewari
- (3) Shri Bhagirath Paswan
- (4) Shri Ashu Akuria
- (5) Shri Kanai Pashi *alias* Kani Pashi
- (6) Shri Budhan Bouri No. 2
- (7) Shri Raj Narain Singh
- (8) Shri Jiban Gope
- (9) Shri Shyam Sunder Rai
- (10) Shri Bela Akuria *alias* Dela Akuria
- (11) Shri Bhola Prasad
- (12) Shri Mongal Gope

(Sd.) B. K. GEORGE,

Manager.

Representing the management

Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

Under the circumstances your honour will be pleased to accept the above terms and agreement for the final settlement of the above dispute, as we agreed not to press the Reference above.

Representing the management:

(Sd.) Illegible.

Labour Officer.

(Sd.) RABIN CHATTERJEE,
Genl. Secretary.

Representing the workmen

Representing the Workmen:

MOHAMAD YAHYA,
Advocate.

[No. 1/28/70-LRIL.]

New Delhi, the 12th November, 1970

S O 3735—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of Shri K Sharan Regional Labour Commissioner (Central) Asansol, arbitrator, in the industrial dispute between the employers in relation to the management of Vishveshwari Khandra Colliery Post Office Ukhra, District Burdwan and their workmen which was received by the Central Government on the 2nd November, 1970

BEFORE SHRI K SHARAN REGIONAL LABOUR COMMISSIONER(C)

AND
ARBITRATOR, ASANSOL

PRESENT

Shri K Sharan Regional Labour Commissioner(C) Asansol

PARTIES

Employers in relation to Vishveshwari Khandra Colliery P O Ukhra, Dist Burdwan

Vrs.
Their workmen

APPEARANCES

For employer (1) Shri N Das, Advocate, Asansol

For workmen (1) Shri M K Mukherjee, Advocate, Asansol

(2) Shri J K Mitra Advocate Asansol

INDUSTRY COAL MINE STATE WEST BENGAL

No E 1/10(1)/70 Dated the 31st October, 1970

AWARD

The Central Government having received on the 31st January, 1970 the arbitration agreement dated 19th January 1970 between the management of Vishveshwari Khandra Colliery P O Ukhra Dist Burdwan (hereinafter referred to as the management) and their workmen represented by the Colliery Mazdoor Congress (HMS) P O Asansol Dist Burdwan (hereinafter referred to as the union) in pursuance of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) referring the industrial dispute between them, the specific matters in dispute being as detailed below to my arbitration and the Central Government being of the opinion that the industrial dispute referred to above existed between the management and the union ordered publication of the said arbitration agreement in the Gazette of India, Part II Section 3 sub-section (ii) under its order No 8/16/70-LR II dated 11th February 1970

"1 Whether the action of the management of Vishveshwari Khandra Colliery, Post Office Ukhra Dist Burdwan in terminating the services of the undermentioned workers with effect from 17th November 1969 is justified?"

Name of the workers

S No	Name	Designation
1	Shri Anadi Mukherjee	Pump Khalasi
2	Shri Samoo Ahir	U G Trammer
3	Shri Jhari Mahato	Loader
4	Shri Sohen Gope	"
5	Shri Shyam Lal Jaiswara	"
6	Shri Moni Jaiswara	"
7	Shri Rajkaran Jaiswara	"
8	Shri Siddhar Jaiswara	"
9	Shri Ramanand Jaiswara	"
10	Shri Ch Sewnath Jaiswara	"
11	Shri Naresh Jaiswara	"
12	Shri Deonandan Jaiswara	"
13	Shri Srinayak Jaiswara	"

II It is not to what relief the workmen concerned are entitled?"

2 The General Secretary of the Colliery Mazdoor Congress (HMS), Asansol was requested under my letter No E 1/10(1)/70 dated 27th January, 1970 to submit written statement on behalf of the workmen endorsing a copy thereof to the management and simultaneously the Manager Vishveshwari Khandra Colliery was requested to submit written statement on behalf of the management and also re-ponder, if any, on the written statement of the workmen under my letter No. E 1/10(1)/70 dated 27th January 1970, endorsing a copy thereof to the union. The

management submitted written statement under their letter No. nil dated 9th February, 1970 endorsing a copy thereof to the union which was received by me on 16th February, 1970. The union submitted written statement under its Assistant Secretary's letter No. nil dated 6th April, 1970 which was received by me on 6th April, 1970 endorsing a copy thereof to the management. Thereafter the matter came up for hearing on 17th April, 1970. On 17th April, 1970 Shri K. Srinivasan, Manager, Vishveshwari Khandra Colliery was present on behalf of the management. S/ Shri S. N. Jha, Jayanta Poddar and M. N. Singh, General Secretary, Joint Secretary and Assistant Secretary respectively of the Colliery Mazdoor Congress (HMS), Asansol, were present on behalf of the workmen. However, at the request of both the parties the hearing was adjourned to be held in my office on 2nd May, 1970. In the meantime the parties entered into an agreement on 22nd April, 1970 agreeing therein that I might give my arbitration award in the instant industrial dispute latest by 30th June, 1970. On 2nd May, 1970 Shri K. Srinivasan, Manager, Vishveshwari Khandra Colliery was present on behalf of the management and Shri M. N. Singh, Assistant Secretary, Colliery Mazdoor Congress was present on behalf of the workmen. The representative of the union prayed for an adjournment of the hearing and the representative of the management agreed. With the consent of both the parties further hearing was adjourned to be held on 8th May, 1970 and that the parties would call on me on 5th May, 1970 to submit the list of the witnesses and documents. On 5th May, 1970 Shri K. Srinivasan, Manager, Vishveshwari Khandra Colliery was present on behalf of the management and Shri M. N. Singh, Assistant Secretary, Colliery Mazdoor Congress was present on behalf of the workmen. The representative of the management filed a list of the documents to be produced and also stated therein that the management would examine seven witnesses including the Manager and Enquiry Officer. The representative of the workmen did not file any list of documents and witnesses and wanted time. The representative of the workmen was given time to file list of the documents and witnesses on 8th May, 1970. The representative of the Workmen, however, did not file list of documents and witnesses on 8th May, 1970 and hence I had issued notice to the parties on 13th May, 1970 calling upon them to attend hearing in my office on 25th June, 1970. However, in the meantime the representative of the workmen filed a petition dated 15th June, 1970 praying therein to call upon the management to produce certain documents before me at the time of hearing on 25th June, 1970 under their letter dated 15th June, 1970 and simultaneously the union submitted a list of the documents and witnesses to be examined under their letter dated 15th June, 1970. A copy each of the petition referred to above of the union was forwarded to the management under my order No. E.1/10(1)/70 dated 18th June, 1970 calling upon them to do the needful. On 25th June, 1970 Shri N. Das, Advocate, Asansol was present on behalf of the management and Shri M. K. Mukherjee, Advocate, Asansol was present on behalf of the workmen. On behalf of the management 96 papers were filed which with the consent of the representative of the workmen were marked Ext. M. 1, M. 2(a) to M. 2(m), M. 3 to M. 14, M. 15(a) to M. 15(c), M. 16(a) to M. 16(c), M. 17(a) to M. 17(c), M. 18(a) to M. 18(c), M. 19(a) to M. 19(c), M. 20(a) to M. 20(c), M. 21(a) to M. 21(c), M. 22(a) to M. 22(c), M. 23(a) to M. 23(c), M. 24(a) to M. 24(c), M. 25(a) to M. 25(c), M. 26(a) to M. 26(c), M. 27(a) to M. 27(c), M. 28(a) to M. 28(g) and M. 29(a) to M. 29(z). On behalf of the workmen five papers were filed which with the consent of the representative of the management were marked Exts. W. 1, W. 2 and W. 3(a) to W. 3(c). As prayed by the representative of the workmen the management had been directed to produce certain documents which they did. Those documents were examined by the representative of the workmen and with the consent of the representative of the management those documents were marked Ext. W. 4(a) to W. 4(c) and and W. 5. On 25th June, 1970 both the parties submitted a written agreement dated 25th June, 1970 agreeing therein that I might give my arbitration award latest by 31st August, 1970. Thereafter with the consent of the representatives of both the parties the hearing was adjourned to be held in my office on 30th June, 1970. As requested by the parties and with the consent of the representatives of both the parties the hearing fixed for 30th June, 1970, 6th July, 1970, 6th August, 1970 was finally adjourned to be held in my office on 26th August, 1970. On 6th August, 1970 both the parties further entered into an agreement agreeing therein that I might give my arbitration award in the instant industrial dispute latest by 31st October, 1970. On 26th August, 1970, Shri N. Das, Advocate, Asansol was present on behalf of the management and Shri J. K. Mitra, Advocate, Asansol was present on behalf of the workmen. On 26th August, 1970 the management produced one witness viz. Shri K. Srinivasan, Manager, Vishveshwari Khandra Colliery (MW. 1). He was examined and partly cross-examined. As the hearing continued late in the night the same was adjourned with the consent of the representatives of both the parties to be held in my office on 27th August, 1970. On 27th August, 1970 Shri N. Das, Advocate was present

on behalf of the management and S/Shri J. K. Mitra and M. K. Mukherjee, Advocates were present on behalf of the workmen. On that day Shri K. Srinivasan, Manager of the colliery (MW. 1) was finally cross-examined and he was discharged. On 27th August, 1970 the management produced Shri B. Mallick, Enquiry Officer (MW. 2). He was examined and cross-examined. On 27th August, 1970 four letters/documents were produced on behalf of the workmen which with the consent of the representative of the management were marked Ext. W.6 to W.9. Thereafter with the consent of the representatives of both the parties the hearing was adjourned to be held in my office on 28th August, 1970. On 28th August, 1970 the management produced Shri Lalta Jaiswara, Loader (MW. 3). He was examined and cross-examined. On 28th August, 1970 the management produced three more documents which with the consent of the representative of the management were marked Ext. M.30(a) to M.30(c). On behalf of the workmen no oral evidence was produced. Thereafter, with the consent of the representatives of the parties the hearing was adjourned to be held in my office on 28th August, 1970. On 28th August, 1970 the management produced Shri Lalta Jaiswara, Loader (MW.3). He was examined and cross-examined. On 28th August, 1970 the management produced three more documents which with the consent of the representative of the management were marked Ext. M.30(a) to M.30(c). On behalf of the workmen two more documents were produced which with the consent of the representative of the management were marked Ext. W.10 and W.11. On behalf of the workmen no oral evidence was produced. Thereafter, with the consent of the representatives of the parties the hearing was adjourned to be held in my office on 3rd September, 1970 for arguments. On 3rd September, 1970 Shri N. Das, Advocate, Asansol was present on behalf of the management and Shri M. K. Mukherjee, Advocate, Asansol was present on behalf of the workmen. On that date I heard the arguments of both the parties.

3. The case of the management in brief, as made out in their written statement is that the 13 workmen concerned in the dispute along with 22 other workmen had formed an unlawful assembly near the old railway siding rest shelter of the colliery on 11th October, 1969 at about 8.15 A.M. They were armed with lathies, bhallas, iron rods and other deadly weapons. They had attacked S/Shri Lalta Jaiswara, Jhapsu Jaiswara, Feru Jaiswara, Dalsingh Jaiswara, Ch. Swaraj Jaiswara who happened to be permanent workmen of Vishveshwari Khandra Colliery while they were going back to their quarters after taking payment of their weekly wages from the colliery office because they had refused to pay the subscription to the accused persons. The latter had snatched away their wages and had also brutally assaulted them by the weapons in their hands with an intention to kill them. On hearing about the aforesaid incident the colliery manager rushed to the place of occurrence for rescuing the victims named above. When the manager reached there Shri Shyamal Jaiswara shouted, "Sara Saheb Ko Mardo" and subsequently S/Shri Shyamal Jaiswara, Dennandan Jaiswara, Rajkaran Jaiswara, Ch. Shewnath Jaiswara and Siddhar Jaiswara attacked the manager and assaulted him. The manager was injured on his right hand by lathi. Out of the five persons named above who had been attacked, S/Shri Lalta Jaiswara, Feru Jaiswara and Jhapsu Jaiswara had suffered bleeding and other severe injuries. They were given first aid by the colliery medical officer at the colliery and subsequently they were shifted to the Government Hospital at Raniganj for further treatment by the police. The manager was also given first aid at the colliery dispensary by the colliery medical officer and later on he was treated as an out patient at Raniganj Government Hospital. The members of "the said gang had attempted to make further assault on the manager but some how he had managed to escape but in the meantime the miscreants had snatched away his wrist watch and purse containing about Rs. 300/-". The aforesaid action on the part of the workmen concerned in the dispute amounted to serious misconduct as defined in paras 18(e), 18(i), 18(r) and 18(t) of the certified standing orders and accordingly charge sheets were issued to 35 workmen on 31st October, 1969. The charge sheets were received by the workmen concerned and they had submitted their explanations in writing to the manager on different dates. In the common defence submitted by the workmen concerned they denied the charge sheets and pleaded that the charge sheets had been issued to them for causing prejudice in the investigation started by the police against them. In connection with the same incident and that as they were the members of the colliery Mazdoor Congress (HMS) the action of the management in issuing charge sheets was motivated. The written explanation submitted by the 13 workmen concerned in the dispute were found not acceptable and as such the management appointed Shri B. Mallick, Safety Officer to conduct the domestic enquiry against them. The Enquiry Officer named above conducted the enquiries on 5th November, 1969 and 7th November, 1969 at the colliery office and the 13 workmen concerned in the dispute were given written notice intimating therein the relevant dates of enquiry and asking them to be present at the enquiry with their witnesses and evidences, if any-

The notices of enquiry referred to above were received by the workmen concerned but they did not attend the enquiry on the dates fixed and as such the enquiries were held ex-parte. Although the enquiries were held ex-parte, the Enquiry Officer fully examined all the witnesses produced before him. The Enquiry Officer found the workmen concerned guilty of the charges of the misconduct levelled against them and he submitted two reports in respect of enquiries conducted by him on 5th November, 1969 and 7th November, 1969. There was no legal bar in holding domestic enquiry during the pendency of the criminal case arising out of the same incident over which the charges may be issued. The findings of the Enquiry Officer along with the enquiry proceedings were forwarded by the Enquiry Officer to the Managing Director who concurred with the findings of the Enquiry Officer. As the charges were, "very very serious and subversive to discipline at the establishment, the Managing Director ordered for their dismissal and accordingly their services had been terminated with effect from 17th November, 1969." The notices terminating the services of 13 workmen concerned issued by the Managing Director on 17th November, 1969 were received by them. The notices were sent to them by registered post. After making necessary investigation in the incident referred to above the police also submitted charge sheets against the 13 workmen concerned and this proved that the findings arrived at during the course of domestic enquiries were quite in order. From amongst 13 workmen concerned in the dispute S/Shri Anadi Mukherjee, Shyamlal Jaiswara, Naresh Jaiswara, Sohan Gope, Rajkaran Jaiswara, Moni Jaiswara, Deonandan Jaiswara, Ch. Shewnath Jaiswara, Jhari Mahato and Ramanand Jaiswara had also previously indulged in riotous and disorderly behaviour by coming to the office premises with lathies, bhallas etc, and by holding threats to the manager and other supervisory staff on several occasions in the past. The action of the management in terminating the services of the 13 workmen in the dispute was quite justified as the same was in accordance with the principles of natural justice and as such they were not entitled to any relief.

4. The case of the workmen in brief, as made out in their written statement is that the 13 workmen concerned in the dispute were permanent workmen and had put in six to twelve years of service. They had never been charge-sheeted for alleged misconduct in the past and were never punished for proved misconduct. However, Shri Anadi Mukherjee had received one charge-sheet but he was not punished. Although Vishveshwari Khandra Colliery was highly prosperous and had continuously expanded due to hard and unstinted labour of the workmen the management pursued labour policies which were neither enlightened nor reasonable nor just in as much as the service conditions of the workmen employed therein were extremely deplorable. Prior to the establishment of the Colliery Mazdoor Congress (HMS) at the colliery in April, 1967 the management used to deny to the workmen their legitimate rights, claims and dues. Being aggrieved by the deplorable conditions of service and to ameliorate their legitimate grievances by adopting constitutional methods including collective bargaining the workmen of the colliery joined the Colliery Mazdoor Congress (HMS) in April, 1967 but this move of the workmen was not taken in proper spirit and good grace by the management and the management resorted to various sorts of unfair labour practices with a view to crushing the genuine trade union movement of the workmen. The management, therefore, adopted anti-labour policies by taking recourse to victimise the active and leading members of the Colliery Mazdoor Congress (HMS). The workmen concerned in the dispute were either office bearers or members of the Branch Committee of the said union at the colliery or active and leading organisers of the union at the colliery. With a view to crushing the unity amongst the workmen under the banner of the said union, the management selected a few workmen and showed them favour and gave them money and utilised their services, "to sow the discord and disunity among the workmen". In the 4th quarter of 1969, the management found that majority of workmen of the colliery had joined the Colliery Mazdoor Congress (HMS) and the pet union of the management had almost ceased to exist. Therefore, the management hatched conspiracy in collusion with the small group of pet workers with a view to victimising the leading members of the Colliery Mazdoor Congress (HMS). The management took advantage of the all round deterioration in the law and order situation in Asansol coalfield area and falsely issued charge-sheets to 35 workmen belonging to the Colliery Mazdoor Congress, including 13 workmen named above. The allegations in all the aforesaid charge-sheets were identical. As a matter of fact the pet workers of the management took law in their own hands and started a row with workers loyal to Colliery Mazdoor Congress and snatched away the subscription receipts books as well as the collected amount and also assaulted the workmen who were doing collection work. The matter was brought to the notice of the manager of the colliery by a number of victims, but the manager did not issue any charge-sheet against the persons who took part in the assault

of the union workers. On the contrary the manager issued charge-sheets to 35 workmen including the 13 workmen named above. The workmen who had been assaulted by the pet workers of the management had lodged FIR in the Ondal Police Station and on that basis a criminal case was started which was pending with the Judicial Magistrate, Durgapur against 17 persons including S/Shri Lalita Jaiswara, Jhapsu Jaiswara, Feru Jaiswara, Dalsing Jaiswara and Ch. Swarth Jaiswara. The management also initiated criminal proceedings against the 35 workmen referred to above including the 13 workmen concerned in the dispute and the criminal case was pending with the court of Sub-Divisional Magistrate, Durgapur. During the pendency of the criminal proceedings the management after obtaining the reply to the charge-sheets from the workmen concerned proposed to hold domestic enquiry against only 13 workmen concerned in the dispute. Those workmen who had received the notice of enquiry jointly wrote to the manager requesting therein not to proceed with the enquiry and to allow them to resume their duties because the proposed inquiry would prejudice their case in the criminal court. When the manager refused to accept the written joint representation dated 5th November 1969 the same was sent to him under registered post on 6th November, 1969 which was received by him on 8th November, 1969, but the workmen concerned did not receive any intimation either from the Manager or the Enquiry Officer in this regard. Thereafter the management went ahead with the alleged enquiry and the workmen concerned were not given further notice or information and their services were terminated under Manager's letter dated 17th November 1969. The termination of services of the 13 workmen concerned in the dispute was illegal, unjustified, discriminatory, malafide, capricious and in violation of principles of natural justice and was by way of victimisation and was of the grossest type of unfair labour practices. Therefore, they demanded their reinstatement with full back wages.

5. The charges of misconduct levelled against the 13 workmen concerned under charge-sheets dated 13th October, 1969 (specimen copy of which has been exhibited *vide* Ext. M. 1) are reproduced below:—

They "and some others assembled near the old railway siding rest shelter of the colliery armed with lathies, bhallas, iron rods and other deadly weapons at about 8-15 A.M. on 11th October, 1969 and attacked S/Shri (1) Lalita Jaiswara, (2) Jhapsu Jaiswara, (3) Feru Jaiswara, (4) Dalsingh Jaiswara and (5) Ch. Swarth Jaiswara employed at the colliery while they were going back to their quarters after taking their weekly wages from the office and waylaid them and forcibly took away their wages and assaulted them brutally by lathi, bhalla and iron rods causing severe injuries with an intention to kill them. As a result S/Shri Lalita Jaiswara and Feru Jaiswara suffered serious bleeding and other injuries and they had to be removed to Govt. Hospital and that on hearing this incident when the undersigned (Manager) went to the place of occurrence for rescuing the above victims, you along with aforesaid associates attacked me and Shri Deonandan Jaiswara, Rajkaran Jaiswara, Ch. Swarth Jaiswara and Siddhar Jaiswara and struck me with lathi at my right hand and snatched away my wrist watch and purse containing about Rs. 300/- (Rupees three hundred).

That your aforesaid action seriously affected the peace of the colliery and the peace loving workmen became extremely panicky and they could not come to their work. Thereby causing loss in production and serious financial loss for the company. By your aforesaid conduct you have become guilty of riotous and disorderly behaviour and of causing wilful damage to work of the company as per clauses 18(e), 18(i), 18(r) and 18(t) of the certified standing orders of our colliery which read as follows:—

- 18(e):—Drunkenness, fighting or riotous, disorderly or indecent behaviour, at the premises of the mine;
- 18(i):—Causing wilful damage to work in progress or to property of the employer;
- 18(r):—Threatening, abusing or assaulting any superior or co-worker;
- 18(t):—Preaching of or inciting to violence."

Ext. M. 2(a) to M. 2(m) are the written replies given by the 13 workmen concerned to the charge-sheets dated 13th October, 1969. The contents of each of these replies are exactly the same which are reproduced below:—

"With reference to you charge-sheet No. Nil dated 13th October, 1969 I beg to deny all the items of the charges referred to therein. There

was no such occurrence as have been alleged in your charges. The whole matter connected with the allegations is under police investigation for purpose of the prosecution of the miscreants. Hence, it is strongly felt your above quoted charge-sheet will seriously prejudice the criminal investigation as well as the prosecution in case of being subjudice.

If you further proceed in the matter in the present circumstances, your steps will be taken in law as an attempt to misuse your powers with motive to victimise myself and other workmen on maliciously, false and baseless grounds.

I beg to remind you that your whole action is borne out of prejudice and malice because of ourselves being actively associated with Colliery Mazdoor Congress (HMS) which is at present unrecognised although consisting of major number of workers with its banner.

In view of the above facts and circumstances is prayed that the charge-sheet be withdrawn and the suspension revoked at earliest convenience."

The Managing Director of M/s. N. H. Ojha & Co. (P) Ltd., the Managing Agents of Vishveshwari Khandra Colliery requested Shri B. Mallick, Safety Officer of Vishveshwari Khandra Colliery to conduct the departmental enquiry into the charges of misconduct referred to above against the 13 workmen concerned in the dispute on dates to be fixed by the Manager and to submit the entire proceedings of enquiry together with his report at his earliest convenience and also requested him to indicate his acceptance to hold the enquiry under his letter dated 27th October, 1969. A copy of that letter was forwarded to the Manager of the colliery with request to issue enquiry notices for departmental enquiry after consultation with Shri B. Mallick vide Ext. M.4. Shri B. Mallick communicated his acceptance to the Managing Director under his letter dated 28th October, 1969 vide Ext. M.5. The Manager of the colliery issued notices dated 28th October, 1969 to the 13 workmen concerned intimating therein to S/Shri Ch. Shewnath Jaiswara, Deonandan Jaiswara, Anadi Mukherjee, Rajkaran Jaiswara, Naresh Jaiswara, Sohan Gope and Shyamal Jaiswara that the departmental enquiry into the charges levelled against them would be held at the colliery office on 5th November, 1969 at 9 A.M. and to S/Shri Srinayak Jaiswara, Sidbhar Rajbhar, Ramanand Jaiswara, Moni Jaiswara, Samu Ahir, Jhari Mahato that the departmental enquiry would be held into the charges levelled against them at the colliery office on 7th November 1969 at 9 A.M. and they were requested to be present at the time of enquiry with their witnesses and evidences, if any. They were also informed that if they failed to be present at the enquiry the same might be conducted in their absence. These are evident from Exts. M.6 and M.7.

6. Shri B. Mallick, Enquiry Officer held enquiry at the colliery office on 5th November, 1969, with regard to S/Shri Ch. Shewnath Jaiswara, Deonandan Jaiswara, Anadi Mukherjee, Rajkaran Jaiswara, Naresh Jaiswara, Sohan Gope and Shyamal Jaiswara. None of these workmen were present at the time of enquiry. On that date the management produced 24 witnesses before the Enquiry Officer to substantiate the charges of misconduct levelled against the seven workmen named above. The management witnesses included Shri K. Srinivasan, Colliery Manager, S/Shri Lalta Jaiswara, Jhapsu Jaiswara, Feru Jaiswara, Dalsingh Jaiswara, Ch. Swarat Jaiswara, Underground Loaders who were alleged to have been assaulted by the accused persons and others, S/Shri Phulchand Jaiswara, Deonandan Jaiswara, Loaders, Jagpal Gope, Rambadan Gope, Loaders, Subhas Bakshi, Haulage Khalasi, Mayumi Mia, Depot Guard, Udaya Raj Singh, Office Peon, Righu Mahato, Loader, Santilal S. Sangvi, Overman, Balbhadra Mahato, Loader, V. S. Narayanam, Assistant Manager, U. N. Misra, Attendance Clerk, N. N. Dutta, Overman, B. N. Basu, Attendance Clerk, Santa Mondal, Loader, Masudi Sah, U/G. Trammer, Dr. A. B. Bakshi, Colliery Doctor and A. T. Gupta, Despatch Clerk. These statements were authenticated by witnesses concerned by putting their signatures or the LTIs as the case may be Statements of illiterate witnesses as well as those witnesses who did not know English were read over to them and they were admitted to have been correctly recorded. A certificate to this effect was given by the Enquiry Officer and was also endorsed by Shri S. D. Banerjee. Even in respect of English knowing witnesses Shri S. D. Banerjee had made an endorsement to this effect that the statement was taken down in his presence. The Enquiry Officer prepared and signed his enquiry report on 6th November, 1969. These are evident from the Exts M. 10.

7 Similarly Shri B Maluck, Enquiry Officer held the enquiry at the colliery office on 7th November, 1969, in respect of S/Shri Srinayek Jaiswara, Sidbhar Jaiswara, Rambandan Jaiswara, Moni Jaiswara, Jhari Mahato and Somi Ahir. None of the accused persons named above was present at the time of enquiry and as such he held enquiry ex-parte in their absence. On behalf of the management, as many as 24 witnesses were produced. These witnesses included S/Shri K Srinivasan, Colliery Manager, Jhapsu Jaiswara, Dalsingh Jaiswara, Lalita Jaiswara, Feru Jaiswara, Fulchand Jaiswara, No 3 Ch Swarat Jaiswara, Deonandan Jaiswara, No 1 Rambandan Gope Jagpal Gope Loaders, Shri Sanjiv S Sarvi, Overman, Udayraj Singh, Office Peon, Subhas Bakshi, Haulage, Khalasi, Mayum-Mia, Depot Guard, Righu Mahato, Loader, Balbhadra Mahato, loader, V S Narayanam, Assistant Manager, U N Mishra, Attendance Clerk, N N Dutta, Overman, B N Bakshi, Attendance Clerk, Santa Mondal, loader, Masudi Sah, U/G, Trammer, Dr A B Bakshi, Colliery Doctor, Sri A T Gupta, Despatch Clerk. Statements of all the 24 witnesses produced by the management were recorded by the Enquiry Officer in the presence of Shri S D Banerjee. These statements were authenticated by witnesses concerned by putting their signatures or the LTIs as the case may be. Statements of illiterate witnesses as well as those witnesses who did not know English were read over to them and they were admitted to have been correctly recorded. A certificate to this effect was given by the Enquiry Officer and was also endorsed by Shri S D Banerjee. Even in respect of English knowing witnesses, Shri S D Banerjee had made an endorsement to this effect that the statement was taken down in his presence. The Enquiry Officer prepared and signed his enquiry report on 8th November 1969. These are evident from Ext M 11.

8 The Enquiry Officer forwarded the entire enquiry proceedings together with his reports on the enquiries conducted by him on the 5th and the 7th November, 1969 in respect of the 13 workmen concerned in the dispute and the chargesheets dated 13th October 1969, as well as replies to those chargesheets submitted by the workmen concerned to the Managing Director on 9th November 1969 vide Ext M 3.

9 The Enquiry Officer analysed the statements of the witnesses of the management and also considered the evidences produced before him and finally came to the conclusion that all the 13 workmen concerned were guilty of the charges of the misconduct levelled against them under the chargesheet dated 13th October, 1969. After having gone through the enquiry papers and the report of the Enquiry Officer, the management came to the conclusion that the charges levelled against the workmen concerned had been satisfactorily proved at the enquiry and that the charges of misconduct were of very serious nature. Accordingly, the services of all the 13 workmen were terminated with immediate effect i.e. with effect from 17th November 1969 under letter No nil dated 17th November 1969 addressed to each of the 13 workmen concerned by the Managing Director of M/s N H Ojha and Company (Private) Limited, Managing Agents of Vishveshwari Khandra Colliery. Each of such letters was sent to the workmen concerned under Registered post with A/D and each of the letters was received by the workman concerned. This is evident from Ext M 15(a), M 15(b), M 15(c) to Ext M 27(a), M 27(b), M 27(c).

10 During the course of hearing, it was urged by Shri N Das, Learned representative of the management, that in the instant case it was admitted fact that chargesheets were issued to the delinquents and replies thereto were received from them and notices intimating the dates of enquiry were issued by the management to them and the same were received by them and the management produced sufficient documentary as well as oral evidences to substantiate that the enquiries were held properly and the delinquents were given opportunity to defend themselves and the charges of misconduct were satisfactorily proved and that the charges of misconduct were of very serious nature and as such action of the management in terminating the services of the delinquents was justified. It was also urged that allegations of the workmen that the management victimised the delinquents for trade union activities was false and the workman did not produce evidences to substantiate their allegations in this regard. As regards the contention of the workmen that the principles of the natural justice were not followed inasmuch as the domestic enquiries were held ex-parte behind the back of the workmen in spite of the protest made by the delinquents in writing which were admittedly received by the Colliery Manager on 8th November, 1969, Shri Das submitted that there was no obligation on the part of the management to postpone the enquiry in view of the pendency of the criminal cases and if the enquiry was held as was done in the instant case, the same was not vitiated. He also submitted that in view of the fact the management had adduced sufficient documents including the chargesheets, replies to chargesheets, enquiry proceedings,

enquiry reports, past records of bad services in respect of some of the workmen it was not at all necessary for them to adduce any oral evidences but still the management adduced oral evidences as well as additional documentary evidences to show the bonafides of the management in terminating the services of the delinquents and as such according to him workmen concerned were not entitled any relief whatsoever.

11. During the course of hearing Shri M. K. Mukherjee, Learned representative of the workmen made very important submissions in defence of the workmen concerned in the dispute. While he admitted that it was well settled that the Industrial Courts and Tribunals did not act as courts of appeal and could not substitute their own judgements for that of the management, the decision of the management might be interfered when:—

- “(i) There is want of good faith;
- (ii) There is victimisation and unfair labour practice;
- (iii) The management has been guilty of basic error or violation of principles of natural justice,
- (iv) When on the materials the findings are completely baseless or perverse.”

Accordingly he urged that in the instant case there was lack of good faith on behalf of the management which according to him was evident from the fact that the entire enquiry proceedings were conducted in haste. The workmen concerned in the dispute had submitted joint representation dated 5th November, 1969 to the management requesting the management to postpone the enquiry in view of the fact that a criminal case on the same incident was pending with the court and as such if the enquiry was conducted it would prejudice the defence of the workmen concerned in the criminal case against them. The joint petition dated 5th November, 1969 (Ext. M.8) was admittedly received on 8th November, 1969. According to Shri Mukherjee this joint petition dated 5th November, 1969 was caused to be served on the Manager on 5th November, 1969 but when he had refused to accept it the same was sent to him under registered post. Thus the management knew about this and the enquiries in respect of the seven workmen were held on 5th November, 1969 and the report was prepared on 6th November, 1969 and similarly the enquiries in respect of the remaining six workmen were held on 7th November, 1969 and report was prepared on 8th November, 1969. According to Shri Mukherjee the draft reports were prepared admittedly in the night of 5th November, 1969 and 7th November, 1969. These were done in hot haste with a view to denying to the workmen concerned the opportunity of defending themselves. I have very carefully considered this matter. Para 18 of the certified standing orders, Ext. M.30(b) provides that where the period of suspension pending departmental enquiry exceeded ten days, the workmen shall be paid half the wages for such period in excess of ten days. The model standing orders for the coal mining industry also provides that the employer shall normally complete the enquiry within ten days. Thus if an employer completes the domestic enquiry expeditiously, it cannot be said that there was want of good faith simply because of that reason. On this point, Shri N. Das, Learned representative of the management had submitted that all the workmen concerned had already submitted to the management in their reply to the chargesheet that, “the chargesheets would seriously prejudice the criminal investigation as well as the prosecution in case of being subjudice” and that, “If the Manager further proceeds in the matter in the present circumstances his steps would be taken in as an attempt to misuse his powers with motive to victimise them.” This stand taken by the workmen concerned were known to the management on 22nd October, 1969. Notwithstanding this, the management had taken decision to proceed with the disciplinary proceedings initiated against the delinquents and as such according to Shri Das even if the joint petition dated 5th November, 1969 (Ext. M. 8) would have been received on 5th November, 1969 and the enquiries would have been conducted on 5th November, 1969 and 7th November, 1969 as was done in the instant case, the same would not have vitiated the domestic enquiry. Although it is desirable that if the incident give rise to a charge framed against a workman in domestic enquiry is being tried in a criminal court, the employer should stay the domestic enquiry pending final disposal of the criminal case, but if the employer proceeds with the domestic enquiry without awaiting for the result of the criminal case, it cannot be said that the management acted as *mala fide* or there was want of

good faith In Tata Oil Mills Co Ltd Vs their workmen 1964-LLJ—Page 113 (Supreme Court) the Chief Justice of the Supreme Court had observed —

“But to say that the domestic enquiry may be stayed pending criminal trial is very different from saying that if an employer proceeds with the domestic enquiry inspite of the fact that the criminal trial is pending, the enquiry for that reason alone is vitiated and the conclusion reached in such enquiry is either bad in law or *malafide*.

In this view of the law it was held that the Tribunal was in error when it characterised the result of the domestic enquiry as *malafide* partly because the enquiry was stayed pending criminal trial against the delinquent workmen. Thus there is absolutely no substance in the argument of Shri M. K. Mukherjee that there was want of good faith on the part of the management. It was urged by Shri Mukherjee that the workmen concerned in the dispute were victimised by the management because they were office bearers or active members of the Colliery Mazdoor Congress (HMS) Asansol which was functioning in the colliery much to the dislike of the management because this union always fought for securing the rights and legitimate dues of the workmen. In this connection he placed reliance on Exts W 3(a) W 3(b) W 3(c) W 6 W 7 W 8 and W 9. Ext W 3(b) is the list of the office bearers and members of the Branch Committee of the Colliery Mazdoor Congress (HMS) Asansol elected in a meeting of the workers held on 27-7-1969 which was forwarded to the Manager of the Colliery Ext W 3(a) is the postal registration receipt and Ext W 3(c) is the acknowledgement receipt Ext W 6 is the letter No VK/39/813/69 dated 15-9-1969 from the Manager Vishveshwari Khandra Colliery addressed to the Assistant Labour Commissioner (C) Rangraj in connection with the grievances of the workmen contained in the letter dated 18-8-1969 from the Colliery Mazdoor Congress Ext W 7 is the postal acknowledgement receipt showing that the letter from Shri M. N. Singh Assistant Secretary Colliery Mazdoor Congress (HMS), Asansol was received by the manager of the colliery on 23-9-1969. Ext W 8 is the letter No VKH/ALC/39/68 dated 16-8-1968 from the LFO (C) Ukhra addressed to the ALC (C) Rangraj with a copy to the Joint Secretary Colliery Mazdoor Congress Asansol incorporating therein his findings on the various grievances put forward by the Colliery Mazdoor Congress (HMS), Asansol against the management. Similarly Ext W 9 is the letter dated 8-5-1963 from the General Secretary Colliery Mazdoor Congress (HMS) to the manager of colliery intimating therein the names of the office bearers and branch committee members of the union elected in a meeting held on 5-5-1968. These exhibits indicate that the management knew the names of the office bearers and branch committee members of the Colliery Mazdoor Congress and that this union had taken necessary action for the redressal of the grievances of the workmen of the colliery. These are nothing unusual. From these exhibits it cannot be concluded by any stretch of imagination that the workmen concerned were victimised simply because they were the office bearers or active members of that union. In this regard it has also been urged by Shri Mukherjee that initially 35 workmen were charged sheeted but the management picked up only 13 workmen concerned in the dispute and terminated their services. From this action of the management he wanted to conclude that these 13 workmen concerned in the dispute were victimised. In this regard I am of opinion that the active organisers and members of any union including their office bearers cannot claim immunity against disciplinary action in case they are found guilty of the charges of misconduct levelled against them simply on the ground that they were office bearers or active members of any union. This is the most important function of any trade union to fight for the rights and privileges of the workmen but it needs no emphasis that the means to be adopted by the union to achieve the same must be constitutional. If considered necessary the union may resort to strike and that too in a public utility service after giving notice as contemplated under Section 22 of the Industrial Disputes Act, 1947. The union shall be within its rights to persuade the workmen of any establishment concerned to become members of that union but there is absolutely no justification if a union tries to adopt coercive methods like violence threat of violence intimidation assaults etc, to compel unwilling workmen to become members of that union. In the instant case the management has produced copious documentary as well as oral evidences to substantiate that the workmen had indulged in violent activities in as much as they brutally assaulted S/Shri Lalita Jaiswara and Feru Jaiswara. Not only this some of them went to the extent of assaulting even the manager of the colliery who had gone at the place of occurrence to rescue the workmen who had become victim at the hands of the accused persons and chasing him away from the place of occurrence. I have very carefully and thoroughly analysed and considered the evidences before me and I am fully convinced that the accused persons had indulged in riotous and disorderly behaviour at the premises of Vishveshwari Khandra Colliery. Even

the workmen's own Ext W 2 which the certified copy of the charge sheet under Section 147/323/379 IPC submitted by the Ondal Police Station against S/Shri Jhapsu Jaiswara, Lalita Jaiswara, Feru Jaiswara and others, Ext W 10 which is the certified copy of the deposition of the PW 1 Shri K Srinivasan Manager, Vishveshwari Khandra Colliery before Sri S P Baral Magistrate and Ext W 11 which is the certified copy of the deposition of PW 4 Shri Lalita Jaiswara before Shri S P Baral Magistrate bear testimony to the incident which had taken place inside the premises of Vishveshwari Khandra Colliery on 11.10.1969 at about 8.15 A.M. The workmen however have contended that it is not a fact that the accused persons assaulted S/Shri Lalita Jaiswara and others including the Colliery Manager Shri K Srinivasan. On the contrary the accused persons had been assaulted by the pet workmen of the management at the instance of the latter. To substantiate their contention and to defend themselves against the allegations of misconduct charged against them the workmen concerned neither produced any evidence during the course of domestic enquiry nor produced oral evidence and relevant documentary evidence before me. As against this the management produced sufficient evidences during domestic enquiry as well as during the course of hearing before me. It is admitted that disciplinary proceedings against remaining 22 workmen were pending. In the circumstances I am not inclined to accept the contention of Shri M K Mukherjee learned representative of the workmen concerned in the dispute that the workmen in question were victimised by the management simply because the management had picked up 13 workmen concerned out of 35 workmen against whom the charge sheets have been issued initially and the workmen concerned were either office bearers of the branch committee of the union or active members of the union. It was urged by Shri Mukherjee that Shri B Mallick was not competent to hold the domestic enquiry because as per the statement of Shri Mallick (MW 2) M/s G N Ojha and D B Paikhan and others are the owners of Vishveshwari Khandra Colliery whereas Ext M 1 indicated that Shri B Mallick was appointed Enquiry Officer by the Managing Director of M/s N H Ojha & Co (P) Ltd Ext M 15(c) to M 27(c) indicated that the services of the workmen concerned were terminated by the Managing Director of M/s N H Ojha & Co (P) Ltd Managing Agents. According to him as per para 8(c) of the certified standing orders the approval of the owner Agent or the Chief Mining Engineer of the employers shall be obtained before imposing the punishment of dismissal. In the instant case according to him the approval of the Owner Agent or the Chief Mining Engineer was not obtained before imposing the punishment of dismissal of services of the workmen concerned. Thus according to him the mandatory provisions of the certified standing orders were not complied with. He also urged that the Ext 15(c) to 27(c) indicated that the management after having gone through the enquiry papers and reports as of the view that the charge levelled against the workmen concerned as mentioned in the charge sheet had been satisfactorily proved at the enquiry and since the charges of misconduct were of very serious nature the management after great deliberation terminated the services of the workmen concerned. According to him the word management indicated something abstract and was not capable of applying its mind and to come to any decision. In view of the same satisfaction of the management was not sufficient. According to him a particular authorised person ought to have applied his mind and come to conclusion and passed necessary orders but according to him there was nothing on the records to show this. According to him these were the basic errors which vitiated the disciplinary proceedings. I have carefully examined these points and I find that there is absolutely no substance in the same in as much as Shri B Mallick was appointed Enquiry Officer by the Managing Director of M/s N H Ojha & Co (P) Ltd Managing Agents of Vishveshwari Khandra Colliery. He is quite competent to take disciplinary action against the workmen employed at Vishveshwari Khandra Colliery he being the principle officer of M/s N H Ojha & Co (P) Ltd which was the employer in relation to the employees employed at Vishveshwari Khandra Colliery. Moreover, authority of the Managing Director to initiate and to take disciplinary action was not challenged by the workmen in the written statement submitted by the workmen. The workmen did not adduce any evidence before me to substantiate that M/s N H Ojha & Co (P) Ltd were not employers in relation to the workmen concerned. The approval of the owner Agent or the Chief Mining Engineer for inflicting the punishment of dismissal as envisaged in para 18(ii) of the certified standing orders was necessary if this punishment is inflicted by the authority subordinate to the authorities named above. The Managing Director is admittedly the authority superior to the Agent and the Chief Mining Engineer and as such no such approval was necessary. Moreover in the instant case the workmen concerned have not been inflicted the punishment of dismissal and as such the action taken by the management does not come within the mischief of para 18(ii) of the certified standing orders. There is absolutely no substance in the argument that mere satisfaction of the management was not sufficient because

management was abstract body not capable of applying its mind and coming to any conclusion, because the management functioned through different authorities like Board of Directors, Managing Directors and other authorities subordinate to them. In the instant case the management functioned through the Managing Director of M/s. N. H. Ojha & Co. (P) Ltd. Thus according to me there was no basic error as contended by Shri Mukherjee. According to him principles of natural justice were violated in the instant case because the workmen concerned were not given opportunity to defend themselves and the domestic enquiries were conducted behind the back of the workmen concerned and a notice of enquiry were issued by the Manager who was interested person and not by the Enquiry Officer. I have already elaborately discussed in earlier paragraphs that the workmen concerned were given full opportunity to defend themselves and if they chose not to participate in the domestic enquiry till the disposal of the criminal cases, the management can not be deemed to have violated the principles of natural justice. It is irrelevant whether the notice of enquiry was issued by the Manager or the Enquiry Officer. The fact remains that the workmen concerned were given due notice about the proposed enquiries to be conducted by the Enquiry Officer. Shri Mukherjee had also urged that there was contradiction in the statements of M.W. 1 & M.W. 2 with regard to forwarding of Ext. M.8 to the Managing Director. It is true that there is minor contradiction as alleged but this can not vitiate the enquiry proceedings because both the witnesses did state that Ext. M.8 was forwarded to the company's Director at Calcutta. I am fully convinced that the principles of natural justice were not violated by the management. Finally it was submitted that the enquiry reports submitted by the Enquiry Officer were perverse because according to him the Enquiry Officer had observed that all the accused persons were guilty of all the charges levelled against them without analysing the evidences. His contention is not tenable because the Enquiry Officer has analysed the evidences before him before coming to his conclusions. His conclusions are based on the evidences before him. The report of the Enquiry Officer need not be long and elaborate. The report will be characterised as perverse only when the conclusions are not based on the evidences on record. This is not the case here. It was also urged by Shri Mukherjee that the Enquiry Officer was biased because it was none of his business to ask Shri A. T. Gupta, management's witness No. 24 to hand over the file of the chargesheet proceedings against Shri Anadi Mukherjee. I find that Shri K. Srinivasan, Manager had stated before the Enquiry Officer that "one of the accused were Shri Anadi Mukherjee had been earlier chargesheeted for serious misconduct a few months back, the information regarding which may be obtained from Sri A. T. Gupta". In view of this, if the Enquiry Officer called upon Shri A. T. Gupta to hand over the relevant papers to him which he did, there was nothing wrong in it and for this alone it can not be concluded that the Enquiry Officer was biased. He also urged that the management could rely either on the domestic enquiry or on evidence before the Arbitrator but not partly on domestic enquiry and partly on evidences before the Arbitrator. In this connection he placed reliance on the decision of the Supreme Court in civil appeal No. 108 of 1964 workmen of Motipur Sugar Factory (P) Ltd. Vrs. Motipur Sugar Factory (P) Ltd. (II LLJ Vol. II 1965 page 162). While appreciating the views of Shri Mukherjee in this regard I have to remark that in the instant case the records of the enquiry proceedings are sufficient to justify the action of the management.

12. In the circumstances, I hold that the management of Vishveshwari Khandra Colliery, P.O. Ukhra, Dist. Burdwan was justified in terminating the services of the workmen concerned in the dispute with effect from 17th November, 1969, and therefore, they are not entitled to any relief.

13. The Arbitration award is made accordingly and submitted to the Central Government under Section 10A(4) of the Industrial Disputes Act, 1947.

(Sd.) K. SHARAN,

Regional Labour Commissioner(C)
and Arbitrator, Asansol.

[No. 8/16/70-LR II]

S.O. 3736.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri R. B. Mazumdar, Assistant Labour Commissioner (Central), Asansol, arbitrator, in the industrial dispute between the employers in relation to the management of Ranipur Colliery of Messrs. Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan, West Bengal and their workmen which was received by the Central Government on 2nd November, 1970.

BEFORE SHRI R. B. MAZUMDER, ASSISTANT LABOUR COMMISSIONER (C)
ASANSOL—I & ARBITRATOR.

PARTIES:

Employers in relation to Ranipur Colliery of M/s. Equitable Coal Company Limited, P.O. Saltore, District Burdwan.

AND

Their workmen represented by the Colliery Mazdoor Congress (HMS), Asansol, District Burdwan.

APPEARANCES:

For the employers.—1. Shri H. R. Dasgupta, Personnel Officer, M/s Equitable Coal Company Limited, P. O. Dishergarh, District Burdwan

2. Shri R. P. Banerjee, Labour Officer, Dishergarh Group of M/s. Equitable Coal Company Limited, P.O. Dishergarh, District Burdwan.

For the workmen.—1. Shri Mahender Singh, Assistant Secretary, Colliery Mazdoor Congress, (HMS), No. 2 Md. Hussain Street, Bengal Hotel, Asansol.

2. Shri Jayanta Podar, Joint Secretary, Colliery Mazdoor Congress (HMS), No. 2 Md. Hussain Street, Bengal Hotel, Asansol.

INDUSTRY: Coal Mining.

DISTRICT: Burdwan

Asansol, the 27th October 1970

No. B-3/A-1/70.

AWARD

The Central Government received on the 30th April, 1970 a written arbitration agreement dated 13th April, 1970 between the Employers in relation to Ranipur Colliery of M/s. Equitable Coal Company Limited, P. O. Saltore, District Purulia (hereinafter referred to as the management) and the workmen represented by the Colliery Mazdoor Congress (HMS), Asansol (hereinafter referred to as congress) in pursuance of Subsection (1) of section 10A of I.D. Act, 1947 (14 of 1947) referring the industrial dispute between them, the specific matters in dispute being as detailed below, to my arbitration and Central Government being of the opinion that the industrial dispute referred to existed between the said management and their workmen ordered publication of the said arbitration agreement in the Gazette of India Part-II, Section 3, sub-section (ii) under its order No. 8/74/70-LR.II dated 18th May, 1970.

Specific Matters in Dispute

"Keeping in view the recommendations of the the Central Wage Board as accepted by the Government of India in their resolution dated 21st July, 1967 and also the duties performed by the workmen concerned whether the management of Ranipur Colliery, P.O. Saltore, District Purulia have correctly and properly designated the workmen named below and have correctly and properly placed in the Grade/category? If not, to what relief are the workmen concerned entitled and from what date"

Sl. No.	Name	Designation
1.	Shri Bhola Roy	Machine Driver.
2.	Sri Sudarsan Roy	Machine Driver.
3.	Shri Sital	Machine Mazdoor.
4.	Shri Meghu	Barticate Mazdoor.
5.	Shri Madan Mahato	Electric Helper.
6.	Shri Bharani Ghosal	Tub-Checker.
7.	Shri Narayan Mondal	Store Issue Clerk.
8.	Shri Umspada Day	Fitter Helper".

2 On receipt of the aforesaid Government Notification the Manager of Ranipur Colliery and the Joint Secretary of the Congress were requested to submit their written statement endorsing copy to each other under Registered A/D post within 10 days from the date of receipt of my letter No. E-3/A-1/70 dated 1st June, 1970 addressed to them endorsing a copy each of such letter to the management and the Congress. My letter cited above was received by the congress and management in due time but no written statement was received from them till 12th June, 1970 and so both the parties were reminded under my Regd. A/D letter No. B-3/A-1/10 dated 12th June, 1970 to submit their respective written statements within 7 days of receipt of my letter. In the meantime the written statement of the management under their letter No. BPB/ARBITRATION/19/70 dated 11th June, 1970 was received by me on 15th June, 1970. The representatives of the management and the Congress were, however, requested to attend the hearing in my office on 9th July, 1970. But as the Congress had not so far submitted their written statement they were requested under my letter No. B-3/A-1/70, dated 26th June, 1970 to furnish their written statement endorsing a copy thereof to the management before the date of hearing. On 9th July, 1970 both the parties were present and the Congress requested for an adjournment of the hearing to 29th July, 1970 to enable them to submit their written statement. Accordingly with the consent of the representative of the management the hearing was adjourned to 29th July, 1970.

3. On 29th July, 1970 the Congress filed their written statement and a copy of the same was handed over to the representative of the management on the same date. The representative of the management requested for time to go through the written statement of the Congress and the representative of the Congress requested for time to produce their documentary and oral evidence. According to the hearing was adjourned to 12th August, 1970. On 12th August, 1970, the representative of the management was present but the representative of the Congress prayed for adjournment again. Accordingly the hearing was adjourned to 25th August, 1970 with the consent of the management representative. On 25th August, 1970 the representative of the management was present but the representative of the Congress was not present and again prayed for an adjournment. Accordingly the hearing was again adjourned to 4th September, 1970 with the consent of the management's representative. On 4th September, 1970 the Congress representative filed a prayer for being represented by a Pleader, Shri Nikhil Das against protest from the representative of the management. The congress however, was allowed by me to be represented by the Pleader and the management representative was also given option to be represented by a lawyer if they so desired. The representative of the management filed a prayer for allowing them scope for deciding their course of action either to avail of the option or to decide the next course of action. Accordingly time was allowed and the hearing was adjourned to 16th September, 1970 with the consent of the representative of the Congress.

4. On 16th September, 1970 both the representatives of the management and congress were present but as they prayed for time for exploring possibility of a mutual settlement the hearing was adjourned to 26th September, 1970. On 26th September, 1970 both the representative of the management and the Congress were present.

5 On 26th September, 1970 the representative of the Congress produced documents in support of their case and these documents were marked Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 with the consent of the representative of the management and 7 witnesses, viz: S/Shri Bhola Roy (WW.1.), Sundarsan Roy (WW.2), Narayan Mondal (WW.3), Dharani Ghosal (WW.4), Madan Mahata (WW.5), Shital (WW.6), Umapada Dey (WW.7). These witnesses were examined and cross-examined on the date. As the examination of these witness contained till late in the evening and the representative of the management prayed for time to enable them to produce documentary and oral evidence the hearing was adjourned to 30th September, 1970.

6. On 30th September, 1970 the management produced one witness, viz: Shri J. Dhar, Welfare Officer (WW.1) and 7 documents in support of their case and these documents were marked as Exhibits A-1, A-2, A-3, A-4, A-5, A-6 and A-7 with the consent of the representative of the Congress. The MW-1 was examined and cross-examined on the date. On 30th September, 1970 Shri H. R. Das Gupta, Personnel Officer was present on behalf of the management and Shri Jayanta Poddar, Joint Secretary of the Congress who was also present entered into a bi-lateral agreement to the effect that I could give my arbitration award in the instant industrial dispute latest by 30th October, 1970. Both of them signed the agreement and submitted to me. Hearing was adjourned to 3rd October, 1970 for argument. On 3rd October, 1970 the parties argued out their cases and the representative of the management produced From "B" (Employment Registry) and

wages register for the workmen concerned for October, 1966 and Wages register for the period from when the recommendations of the Wage Board was implemented as demanded by me.

7. The case of the Congress as made out in their written statement in brief is that the management of Ranipur Colliery had agreed to implement the recommendations of the Central Wage Board for Coal Mining Industry in full; that the workmen concerned have not been given their proper categories/grades to which they are entitled in view of the duties performed by them with a view to depriving them of the benefits and wages, emoluments payable to them as per recommendations of the Coal Wage Board; that the management in cases of some of these workmen had not changed their designation with a view to suppressing any detection of their misdeeds had retained them in their jobs with different designations; that such action of the management is a glaring and naked instance of unfair labour practice which is not conducive to the maintenance of industrial peace and harmony at the establishment; that S/Shri Bhola Roy and Sudarsan Roy having worked on Coal Cutting Machine in Ranipur Colliery, a gassy mine for a considerable period should have been placed in Category VI as per recommendations of the Coal Wage Board; that Shri Sital though designated as a Machine Mazdoor and having worked as a Coal Cutting Machine Driver for last 10 years and received difference of wages should be placed in Category VI; that Shri Meghu having worked in the colliery for a long time as a Timber Mistry though designated as "Barricade Mazdoor" and having received difference of wages should be designated as Timber Mistry and placed in category IV; that Shri Madan Mahata though designated as an Electric Helper and having actually worked as an Electrician for last one and half years and received the difference of wages should be designated as an Electrician and placed in Category V as per recommendations of the Coal Wage Board; that Shri Dharani Ghosal though designated as a Tub-checker and having worked as an Attendance Clerk continuously for more than one and half years and received the difference of wages on this account should be designated as an Attendance Clerk and placed in Grade III (Clerical); that Shri Narayan Mondal working as a Store Issue Clerk (Grade III Clerical) should be designated as a Store Clerk and placed in Grade II (clerical); that Shri Umapada Dey though designated as a fitter helper and working as a Pig Fitter for last 8 years should be designated as a Pipe Fitter and placed in Category IV.

8. The case of the management as made out in their written statement is that the management had correctly and properly designated the workmen mentioned in form "C" agreement under section 10A of the I. D. Act 1947 and had correctly and properly placed in the grades/categories as per recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India in their resolution dated 21st July, 1967 and also in consonance with the duties performed by the workmen concerned; that the workmen concerned are not entitled to any relief whatsoever, as there is no cause of action in the present case; that Shri Bhola Roy, Machine Driver (WW. 1) has been rightly placed in category V with the adjustments for his past services as per recommendations of the Coal Wage Board as he was originally designated at the time of implementation of the Wage Board recommendations as Machine Mazdoor-cum-Driller and was put in category IV, and was subsequently promoted to Category IV as CCM Driver on 1st August, 1968; that Shri Sunder Sen Roy, Machine Driver (WW.2) was rightly placed in Category V in accordance with the Wage Board Recommendations as before wage fixation he was Machine Mazdoor-cum-Driller in category IV and was subsequently promoted as CCM Driver and placed in category V with effect from 1st August, 1968; that Shri Sital, Machine Mazdoor (Category III) has not been working as a Machine Driver for last 10 years as contended and he has been rightly designated as Machine Mazdoor and his basic wages was fixed in category III with adjustment of increments for his past services as per recommendations of the Wage Board; that Shri Maghu, Barricade Mazdoor was rightly placed in category III with adjustment of increments for his past service as per recommendations of the Coal Wage Board and the Congress's demand that he should be designated as Timber Mistry as which he is not working is not justified; that Shri Madan Mahata, Electric Helper Category II was not working regularly as an Electrician but was asked from time to time to work as an Electrician for which he was paid the difference of wages and that he was rightly placed in category II as per recommendations of the Wage Board; that Shri Bharani Ghosal, Tub-Checker was rightly designated as Tub-Checker and placed in Grade-III (Clerical) as per recommendations of the Wage Board and while he was asked to work in ex-agencies as an Attendance Clerk he was paid the differences of Wages and the Congress's demand for putting him in Clerical Grade II with the designation of Attendance Clerk is not justified; that Shri Narayan Mondal, Store Issue Clerk has been placed

in Grade III (Clerical) as he is performing duties of Store-issue-Clerk and he cannot be designated as an Attendance Clerk as demanded; that Shri Umapada Dey, Fitter Helper has been rightly designated and categorised as per recommendations of Wage Board and he cannot be designated as Pipe Fitter with higher category as demanded by the Congress.

9. The point for consideration in this reference is whether the management have properly and correctly designated the workmen concerned and placed them properly and correctly in the Grade/Category.

I will take up the cases of the workmen concerned separately.

(i) *Cases of S/Shri Bhola Roy and Sudarshan Roy*:—Shri J. Dhar, Welfare Officer of the management (MW-1) stated in his Examination-in-Chief that Shri Bhola Roy is working as a Machine Driver to which post he was promoted in 1968 in pursuance of terms of a tri-partite settlement and that before his promotion he was working as a Driller and in his cross-examination Shri Dhar had affirmed that Shri Bhola Roy was the same person as covered by tri-partite settlement (Ext. A-7). Shri Bhola Roy in his examination-in-chief stated that he was working as a Machine Driver since 1956 and placed in category V and in his cross-examination he stated that though he was working as a Machine Driver from 1963 he was getting category V wages since 1965 and though he denied that he was working as a Driller before working on the Coal Cutting Machine he stated that he was promoted as a Machine Driver and placed in category V in 1968. Thus the statement of Shri Bhola Roy is not free from contradictions. Documents Ext. A-1 (Service Card of Shri Bhola Roy) and Ext. A-7 (tri-partite settlement dated 30th July, 1968) however, showed that Shri Bhola Roy was working a driller after appointment on 1st October, 1956 and he was promoted as a Machine Driver only from 1st August, 1963 and placed in category V which fact was accepted by him as he had put his L.T.I. in the space provided for employee's signature of LTI in the service card (Ext. A-1). He was shown as a Driller prior to 1st August, 1963 in the Employment Register in form "E" and Wages Register showed that on 1st October, 1966 he was working as a Driller and was placed in category IV and after the recommendations of the Wage Board was implemented with effect from 11th November, 1967 he was placed in Category IV as per the recommendations of the Wage Board.

As regards Shri Sudarshan Roy, Documents *viz.* (Ext. A-2/Service Card of Shri Sudarshan Roy) and Ext. A-7 (Tri-partite settlement dated 30th July, 1968) also showed that he was working as a Driller after his appointment on 1st March, 1965 and that he was promoted as a Machine Driver only from 1st August, 1968 and placed in category V in pursuance of terms of settlement dated 30th July, 1968 (Ext. A-7), which fact was accepted by him as he had put his LTI in the space provided for the Employee's signature of LTI in the service card of Shri Sudarshan Roy (Ext. A. 2). Form "B" register (Employment Register) and Wages Register for the period to 1st August, 1968 and that of 1st October, 1966 also showed that he was a driller and was placed in category IV and after the recommendations of the Coal Wage Board was implemented with effect from 11th November, 1967 he was placed in category IV as per recommendations of the Wage Board. In his examination-in-chief Shri Sudarshan Roy had of course, stated, that he was working as a Machine Driver from 1966 but he had stated in his cross-examination that he was promoted as a Machine Driver in Category V in 1968. The management's witness MW-1 stated in examination-in-chief that Shri Sudarshan Roy was promoted as a Machine Driver and placed in category V in 1963 and he had worked as a Driller before that and in his cross-examination he had affirmed that Shri Sudarshan Roy is working as a Machine Driver (Category V) and was working as a Driller prior to August, 1968.

In both these cases the Congress also failed to adduce any evidence to show that these two workmen were working as Machine Drivers prior 15th August, 1967 and these persons were not the same persons as covered by the tri-partite settlement dated 30th July, 1968 (Ext. A-7) as alleged by them whereas in the cross-examination the MW-1 has confirmed that they are the same persons as covered by the settlement and they are working as Machine Driver Category V from 1st August, 1968.

Having regard to the evidence before me on the lack of it I would for the purpose of the cases in hand say that neither the workmen have any justification to be placed in category VI having regard to the duties they were performing previously and now. That being so I hold that they should continue to remain in category V as Machine Drivers and so no relief is being awarded to them.

(ii) *Case of Shri Sital*:—Shri J. Dhar, Welfare Officer of the management (MW. 1) in his examination-in-chief stated that Shri Sital is working as a Machine Mazdoor and in his cross-examination he replied in the negative to the question put to him as "is it not a fact that the statement given by you in your examination-in-chief that Shri Sital is working as a Machine Mazdoor and not a Driver quite false?" Thus indirectly he has confirmed in cross-examination his earlier statement made in examination-in-chief. Shri Sital (WW. 6) has, however, stated in his examination-in-chief that he is working as a Machine Driver independently and in his cross-examination he stated that he was placed in Category VI as a Machine Driver. But the documents viz.; Ext. 1 (Bonus card of Shri Sital) produced by the Congress and Ext. A-6 (Service Card of Shri Sital) produced by the management showed that Shri Sital is working as a Machine Mazdoor in category III which fact has been accepted by Shri Sital when he had put his LTI in the space provided for signature or LTI of the Employees in the bonus card (Ext. 1) and service card (Ext. A-6). From a perusal of "Form B" (Employment Register) and Wages Register for 1st October, 1966 and current Wages Register it is seen that Shri Sital has all along been working as a Machine Mazdoor was placed in Category IV prior to the implementation of accepted recommendations of the Coal Wage Board and working as Machine Mazdoor and placed in Category III after the Coal Wage Board recommendations was implemented. The Congress could not adduce any evidence to show that Shri Sital was working as a Machine Driver for last 10 years as contended by them. It is found from the statement of Shri Sital that when he was asked to work occasionally in higher category he was paid the difference of wages and there cannot be any question of his being wrongly designated or categorised. Hence I cannot but accept that he had worked and is working as a Coal Cutting Machine Mazdoor and designated as such, and he has been placed correctly and properly in category III as per recommendations of the Coal Wage Board. As such the question of granting him relief does not arise.

(iii) *Case of Shri Meghu*:—The management's witness (MW. 1) Shri J. Dhar, Welfare Officer has stated in his examination-in-chief that Shri Meghu is working as a Barricade Mazdoor under Shri Nagaswar, Barricade Mistry and had denied also in his cross-examination that he was working as a Barricade Mistry. The Congress could not produce any documentary or oral evidence to show that Shri Meghu was working as a Timber Mistry earlier or working in regularly in the same capacity now. Form "B" Register (Employment Register) and the Wages Register for October, 1966 and the current Wages Register showed that Shri Meghu worked as a Barricade Mazdoor since his appointment in 1954 and was placed in category III and at present he has been working as a Timber Mazdoor even after the implementation of the recommendations of the Coal Wage Board till date and placed in category III. I, therefore, hold that the management has properly designated him as a Barricade Mazdoor and correctly placed him in category III as per accepted recommendations of the Coal Wage Board. So the question of awarding relief to Shri Meghu does not arise.

(iv) *Case of Shri Madan Mahato*.—Shri J. L. Dhar, Welfare Officer (MW-1) has stated in his examination-in-chief that Shri Madan Mahato is an Electrical helper and does not work regularly as an Electrician but works as an Electrician in exigencies and whenever he was asked to work as an Electrician he was paid the difference of wages. In his cross-examination the MW.1 has stated that from bonus card of Shri Madan Mahato (Ext. 2) and Form "B" Register (Employment Register) he can substantiate that he is working as an Electrical Helper. Shri Madan Mahato (WW. 5) in his examination-in-chief stated that though he is designated as Electric helper and placed in category II he has been working as an Electrician from 1968 and that in support of his contention he stated that he got an appointment letter as an Electrician (Ext. 4) and was given a certificate by the Colliery Engineer (Ext. 5). But in cross-examination he had affirmed that he got an appointment letter (Ext. 4) as an Electrician and paid difference of wages whenever he worked as an Electrician. Ext. 3 (Electrical Workman's permit dated 18th December, 1968) shows that it is an authority granted to him by the Chief Electrical Inspector, Government of West Bengal for carrying out under supervision wiring work viz; motor wiring with paper insulated cables (laying and jointing) and paper insulated cables connection (jointing) but does not authorise him to supervise electrical installation work or undertake installation contracts. Under Ext. 4 Shri Madan Mahato was given appointment on 26th September, 1968 as a shift electrician under Mines Act authorising him to carry out the work of Electrician as and when required. However Ext. 5 (certificate granted by the Engineer on 18th July 1970 to Shri Madan Mahato) amply proved that he has been working as a shift-electrician at the colliery since 1968. It has

been certified there that Shri Madan Mahata has been working as shift Electrician at Ranipur Incline during his period since 1968. Though Shri Madan Mahata has been shown as an Electric Helper and has been placed in category II in the records prior to and subsequent to the implementation of the recommendations of the Coal Wage Board, but the very fact that he has been working as a shift Electrician of and on from 1968 as has been certified by no less a persons than the Engineer of the colliery, that he possessed the requisite certificate and appointment letter, Exts. 3 and 4 respectively and that he has gained considerable experience by working as an Electrical Helper and Electrician that there is no such category of workman as Electric helper mentioned in the Report of the Central Wage Board for Coal Mining Industry and the lowest category of Electrician has been placed in category IV in the Coal Wage Board Recommendations, I feel that Shri Madan Mahata amply deserves to be designated as Electrician and placed in Category IV, and I accordingly aware that Shri Madan Mahata should be designated as an Electrician and placed in category IV.

(v) *Case of Shri Dharani Ghosal*.—Shri J. Dhar, Welfare Officer, the management's witness (MW-1) in his examination-in-chief stated that Shri Ghosal is a Tub-Checker and in exigencies of circumstances he worked as an Attendance Clerk for which he was paid the difference of wages and that he was not working regularly as an Attendance Clerk. In his cross-examination also he stated that Shri Dharani Ghosal was working as a Tub-checker which fact can be proved from the Form "B" Register (Employment Register). Shri Dharani Ghosal (WW.7) in his examination-in-chief stated that though he is designated as a Tub-Checker (Clerical Grade III) he is working as an Attendance Clerk (Grade-II) since 1967. In his cross-examination Shri Ghosal, however, denied by saying "No" to the question put to him as "Are you working as an Attendance Clerk in addition to your own work?". Bonus card (Ext. 7) showed that his designation is Tub-checker and this fact has been accepted by him as he had signed the card. The so-called appointment letter (Ext. 6) is nothing but an authority letter granted under Mines Act to Shri Ghosal to carry out the work of Attendance Clerk in the Mines. Form "B" Register (Employment Register) and Wages Register for the period commencing on 1st October 1966 showed that he was working as an underground Munshi from August, 1965. The Congress could not adduce any evidence to show that Shri Ghosal had been working or is working as an Attendance Clerk regularly. He was paid the difference of wages whenever he was called upon to work as an Attendance Clerk. If he worked in a higher category he can only claim extra remuneration and can not claim to be upgraded. I hold that Shri Ghosal has rightly been designated and placed in Grade III (Clerical) as per recommendations of the Coal Wage Board and in consonance with the normal duties performed by him. Accordingly no relief is awarded to him.

(vi) *Case of Shri Narayan Mondal*.—The management's witness Shri Dhar (MW.1) stated in examination-in-chief that Shri Narayan Mondal (MW.3) is a Store Issue Clerk since his appointment and that he is working under Store Keeper and Store Clerks and issuing slips and materials. In his cross-examination he stated that Shri Mondal is working under Shri Joseph, Store Keeper. In his examination-in-chief Shri Narayan Mondal stated that he was appointed as a Store Issue Clerk in 1965 and was promoted as an Attendance Clerk in July, 1968 and was paid the difference of wages from July, 1968. In his cross-examination Shri Mondal has stated that he worked as an Attendance Clerk since July, 1968 and also as a Store Issue Clerk and that he is working as a Store Clerk and that he is issuing stores and slips. Thus his statement is full of contradiction. Bonus card of Shri Narayan Mondal (Ext. 9) showed that he is designated as a Store Issue Clerk and in token of his acceptance of this position he had signed the card. Ext. 8 is a letter of authority issued on 17th June 1968 to him by the management under Mines Act to work as an Attendance Clerk in the mine. The Congress failed to adduce any evidence to show that Shri Mondal has been working as an Attendance Clerk regularly or was actually promoted as an Attendance Clerk. Form "B" Register (Employment Register) and wages register for the period commencing on 1st October 1966 showed that he was designated as a Store Issue Clerk. In view of what has been stated above Shri Mondal's case for being designated as an Attendance Clerk and placing him in grade II (Clerical) does not stand as he has been properly designated and placed in proper Grade in consonance with the duties performed by him. Hence no relief is being awarded to him.

(vii) *Case of Shri Umapada Dey*.—The management's witness Shri Dhar (MW.1) stated in his examination-in-chief that Shri Dey is working as a Fitter Helper. In cross-examination he indirectly stated that Shri Dey is working as a

Fitter Helper by denying the suggestion of the representative of the management put up to him as "Can I not say that your statement that Shri Umapada Dey is working as a Fitter Helper is totally false?". In his examination-in-chief Shri Umapada Dey (WW.7) stated that he is working as a Pipe Fitter for 5 years independently. In the cross-examination Shri Dey stated that he is working as a fitter but has again stated that he is working under a fitter. Bonus card of Shri Dey (Ext. 14) shows that Shri Umapada Dey is working as a Mechanical Fitter Helper. Ext. 10 to 14 (Store Issue Slips) shows only that the materials were issued to Shri Umapada Dey only but it does not indicate that materials were issued to him as a fitter. The Congress failed to adduce any evidence to show that Shri Dey was working as a Fitter and that Store materials was issued only in the name of fitters. Shri Dey himself by his own statement in cross-examination that he had gained sufficient experience as fitter helper while working as a Fitter Mazdoor has admitted indirectly that he is not working as a fitter. He has also admitted in his cross-examination that he comes in the lowest rung of the fitting section. In view of the above the claim of Shri Dey for designating him as a fitter and placing him in category IV does not stand and the management had rightly designated him as a Fitter Helper and placed him in Category II. So the question of awarding any relief to him does not arise.

The arbitration award is made accordingly and submitted to the Central Government under Section 10A of Industrial Dispute Act, 1947.

Sd./- R. B. MAZUMDAR,
Assistant Labour Commissioner (C).
Asansol
And
Arbitrator.
[No. 8/74/70-LR.II.]

S.O. 3737.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Kalipahari Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 4th November, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. 31 OF 1970

PARTIES:

Employers in relation to the management of Kalipahari of Messrs Ghusick and Muslia Collieries Limited.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri V. S. Prasad, Group Personnel Officer.

On behalf of Workmen—Unrepresented.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/28/70-LR.II, dated July, 17, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Kalipahari Colliery of Messrs Ghusick and Muslia Collieries Limited and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the action of the management of Kalipahari of Messrs Ghusick and Muslia Collieries Limited, Post office Kalipahari, District Burdwan, in retrenching Sarvashri Surit Singh, Bindeswari Singh and

Ram Singer Koiri, Mining Sirdars, with effect from the 6th May, 1970 is justified? If not, to what relief are the workmen entitled?"

2. It is an admitted fact and it also appears from the rejoinder filed by the management, in this reference, that Ghusick and Muslia Collieries Limited own five collieries, namely, Ghusick, New Ghusick, Kalipahari, Muslia and Radha-madhavpur collieries, all situated within a radius of five miles. The three concerned workmen were working, according to the management, as Mining Sirdar-cum-Shot-Firers in Kalipahari Colliery. Further, according to the management, because of the reduction in underground working districts at Kalipahari colliery, the three concerned workmen became surplus to the requirement of the colliery and consequently they were retrenched, in accordance with the provisions of Section 25F of the Industrial Disputes Act.

3. The grievances made by the workmen, in their written statement, may be summarised as follows:

- (i) the services of the workmen, including those of the Mining Sirdars, were transferable from one colliery to the other and such transfers were always made by the management in the past.
- (ii) that the employer company retrenched the three concerned workmen, who had been working at the material time in Kalipahari colliery, by treating them as surplus in their said colliery. Actually there was or is no surplus category in question, in the company, and since the disputed retrenchment the management brought workmen from other collieries for filling up the vacancies. That, in view of the transferability of their services from one colliery to another, owned by the employers, all collieries of the employers should be treated as one establishment or one unit for the purpose of selecting the juniormost employees in the category of Mining Sirdars.
- (iii) that the concerned three Mining sirdars are therefore not juniormost employees in the category of Mining Sirdars employed in the said collieries of the employers, the rule of 'last come first go' was not observed, and the retrenchment was, therefore, illegal.

4. On the date fixed up for hearing of this reference, the workmen did not appear. Mr. S. N. Banerjee, Advocate, sent a Vakalatnama for being filed before the Tribunal, on the date of hearing, but he himself did not appear. One K. L. Mukherjee, describing himself to be the office-Secretary of Colliery Mazdoor Congress, who was not authorised to represent the trade union, moved an application for an adjournment on the plea that Mr. Banerjee was ill. The said application was not signed by Mr. S. N. Banerjee nor was it signed by Mr. Mahendra Narayan Singh, Assistant Secretary, who was acting on behalf of the Trade Union. I do not know who K. L. Mukherjee is and, therefore I could not act on the basis of that application and rejected the prayer for adjournment. The workmen went unrepresented.

5. The scope of difference as pleaded by the respective parties to this reference is, however, small. The management proceeded to retrench the three workmen, treating Kalipahari colliery as one establishment and on that footing treating the three concerned workmen as surplus. The workmen claimed that everybody was serving under Ghusick and Muslia Collieries Limited and their services were transferable from one colliery to another. Therefore, the Ghusick and Muslia Collieries Limited should have been treated as an industrial establishment and retrenchment, if any, should proceed on the footing of the list of total number of employees in that category in the employer Company's collieries, that is to say, the application of 'last come first go' rule should have been applied not on unit basis but on the basis of the entirety of the employees, in the particular category, in the collieries.

6. This point is interesting. The Supreme Court in the case of *Indian Cable Company Limited and its workmen*, (1962) 1 LLJ 409 (416-417) referred to with approval to the observation of the Calcutta High Court (per Harries, C.J.) in *Pravat Kumar Kar vs. W. T. C. Parkar*, (1949) 1 FJR 245 to the following effect, namely, that industrial establishment meant the place at which the workmen were employed and that accordingly Section 23 of the Act which imposed prohibition against strikes by one workman who was employed in any industrial establishment would not cover a case of workman in Bombay striking against employer with whom employees in Calcutta had a dispute. The Supreme Court further observed, in his case:

"If this is the correct connotation of the words "Industrial establishment", then the branches of a company located in different places must be held to be distinct "industrial establishments", for purposes of S. 25G. This question came up directly for decision before the Madras High Court in *India Tyre and Rubber Company v Their workmen* (1957) 11 L.L.J. 506. In that case, a company whose business was to manufacture and sell tyres had its head office in Bombay and a branch office at Madras. There were sub-depots at Ernakulam, Bangalore and Vijayawada within the jurisdiction of the Madras branch. The company retrenched some of the workmen at the Madras office as surplus, and on that a dispute was raised by them that as the retrenchment had been made without pooling all the depots as one unit, Section 25G had been infringed. The tribunal accepted that contention and held that the retrenchment was bad. The correctness of this decision having been questioned in a petition under Art. 226, the Madras High Court held on an examination of the scheme of the Act and on a review of the authorities that if an industry and establishment located in different places, each of them would be a separate industrial establishment within S. 25G of the Act, and that accordingly the office at Madras was one industrial establishment and that the sub-depots in the different States were separate industrial establishments. On the facts, this decision is very near the present case and is strongly relied on for the appellant.

We should, in this connexion, refer also to S. 10(1A) of the Act, wherein it is provided that when the dispute relates to industrial establishments in more than one State the Central Government might refer it for adjudication to a national tribunal. This provision is based on the notion that the industrial establishments of a concern situated in different States are distinct establishments.

Then again on the terms of S. 25G, the relief provided therein is to be granted within the category of workmen who are proposed to be discharged. This posits that there is one code governing the grades of workmen and their scales of wages and that is ordinarily possible only when the establishment is functioning at a given place. If there are different branches in different place and there are different scales of wages, the rule laid down in S. 25G would be incapable of compliance unless all the branches have one scale of wages and the rules provide for automatic transfer from place to place having regard to the seniority and grades. Thus whether we have regard to the popular sense of relief under S. 25G to workmen in the same category, the conclusion would appear to be inescapable that each branch of a company should normally be regarded as a distinct industrial establishment."

There is no evidence that the scales of pay in all the collieries were identical, although the services of the workmen were transferable. Thus, although Ghusick and Muslia Collieries Limited have several collieries each of the collieries may be treated as a separate establishment. This is all the more so, because of the evidence of S. K. Guin, the Colliery Manager who stated in answer to a question by this Tribunal:

"Under the management of Ghusick and Muslia Collieries Limited apart from Kalipahari Colliery there are four other collieries. The workmen are all workmen serving under Ghusick and Muslia Collieries Limited. Workmen are placed either in this colliery or in that colliery at the convenience of the management. The service of workmen are also transferable. So long as the workmen serve in a particular colliery their names remain entered in the Rolls of that colliery." (Underlined by me for emphasis).

7. If Kalipahari Colliery is a constituent branch of Ghusick and Muslia Collieries Limited, then, if the employer wanted to reorganise its business for reasons of economy or convenience, it is not for an industrial tribunal to interfere therewith. The law was restated by the Supreme Court in the case of *Parry & Co. V Judge 2nd I.T., Calcutta*, AIR 1970 SC. 1334(1341);

"In *Workmen of Subong Tea Estate v The Outgoing Management of Subong Tea Estate*, (1964) 5 SCR 60=(AIR 1967 SC 420) this Court laid

down the following propositions: (1) that the management can retrench its employees only for proper reasons, which means that it must not be actuated by any motive of victimisation or any unfair labour practice, (2) that it is for the management to decide the strength of its labour force, for the number of workmen required to carry out efficiently the work in his industrial undertaking must always be left to be determined by the management in its discretion, (3) if the number of employees exceed the reasonable and legitimate needs of the undertaking it is open to the management to retrench them, (4) workmen may become surplus on the ground of rationalisation or economy reasonably or bona fide adopted by the management or on the ground of other industrial or trade reasons, and (5) the right to effect retrenchment cannot normally be challenged but when there is a dispute about validity of retrenchment the impugned retrenchment must be shown as justified on proper reasons, i.e., that it was not capricious or without rhyme or reason."

It is nobody's case that the management was effecting retrenchment either *malafide* or with the object of victimisation. The evidence is that the working in two districts was stopped and only one new district started working. That certainly necessitated reduction of workmen and the result was that the three concerned workmen were retrenched. It is not their case that in Kalipahari colliery they were not the juniormost.

8. In the view that I take, I hold that the action of the management of Kalipahari of Messrs Ghusick and Muslia Collieries Limited, in retrenching Sarvashri Surit Singh, Bindeswari Singh and Ram Singh Koiri, Mining Sirdars, with effect from the 6th May, 1970 was justified. The workmen are not entitled to any relief.

This is my award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated 26th October, 1970.

[No. 6/28/70-LR.II.]

ORDERS

New Delhi, the 26th October 1970

S.O. 3738.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Victoria West Colliery of Messrs New Beerbloom Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Victoria West Colliery of Messrs New Beerbloom Coal Company Limited, Post Office Dishergarh, District Burdwan in terminating the lien on the appointment of Shri Sarju Bin Loader with effect from the 26th June, 1970 is justified? If not, to what relief is he entitled?"

[No. 6/58/70-LR.II.]

(श्रीम औद्योगिक विभाग)

आदेश

नई दिल्ली, 26 अक्टूबर, 1970

का० आ० 3738.—यतः केन्द्रीय सरकार की भावना है कि इनसे उद्भव अनसूची में निर्दिष्ट विषयों के बारे में मैसर्स न्यू बीरभूम कोल कम्पनी लिमिटेड, डाकघर दिशेरगढ़, जिला बर्दवान की

विक्टोरिया वैस्ट कालियरी के प्रबन्धनत्व से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और, यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अत्र, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अर्थात् गठित औद्योगिक अधिकरण, कलकत्ता को न्याय-निर्णयन के लिए निर्देशित करती है ।

अनुसूची

“या मैसर्स न्यू वीरभूम कोल कम्पनी लिमिटेड, डाकघर दिशेरगढ़, जिला वर्धमान की विक्टोरिया वैस्ट कालियरी के प्रबंधनत्व की 26 जून, 1970 के श्री सूर्यदेन लोडर की नियुक्ति पर पुनर्ग्रहणाधिकार समाप्ति की कार्यवाही न्यायोचित है ? यदि नहीं, तो वह किस अनुतोप का हकदार है ।”

[संख्या 6/58/70—एल० आर० 2]

New Delhi, the 27th October 1970

S.O. 3739.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhowra Colliery of Messrs Oriental Coal Company Limited, Post Office Bhowra, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Bhowra Colliery of Messrs Oriental Coal Company Limited, Post Office Bhowra, District Dhanbad, are justified in not paying Variable Dearness Allowance to their workmen at the rate of Rs. 1.53 with effect from the 1st April, 1970? If not, to what relief are the workmen concerned entitled and from which date?”

[No. 2/122/70-LR-II]

नई दिल्ली, 27 अक्टूबर, 1970

का० आ० 3739.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स ओरियन्टल कोल कम्पनी लिमिटेड, डाकघर भौरा, जिला धनबाद की भौरा कोलियरी के प्रबन्धनत्व से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अत्र, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त

विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या 2) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स ओरियन्टल कोल कम्पनी लिमिटेड, डाकघर भोरा, जिला धनबाद की भोरा कालियरी का अपने कामिक को परिवर्ती महंगाई भत्ता एक अप्रैल, 1970 से 1.53 रु० की दर से न देना न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं।”

[संख्या 2/122/70-एल० ग्रार० 2]

S.O. 3740.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Bhuggatdih Colliery of Messrs East Bhuggatdih Colliery Company Private Limited, Post Office Jharla, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of East Bhuggatdih Colliery of Messrs East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharla, District Dhanbad, in refusing employment to the following workmen with effect from the dates mentioned against each was justified? If not, to what relief are these workmen entitled?”

S. No.	Name of the workmen and designation.	Date of refusal of employment.
1.	Hari Paswan, Tyndal Mazdoor	19.2.70.
2.	Mansa Bhuia, U.G. Trammer	19.2.70.
3.	Allauddin, Tugger Khalasi	19.2.70.
4.	Bhagirath Dhaikar, Bailing Mazdoor	19.2.70.
5.	Banwari Ram, Prop Mistry	30.4.70.
6.	Jagdeo Bhuia, Prop Mistry	30.4.70.
7.	Baro Sao, Prop Mazdoor	30.4.70.
8.	Ganauri Yadav, Stowing Mazdoor	30.4.70.
9.	Vijoy Dhaikar, U.G. Trammer	24.4.70.

[No. 2/147/70-LRII.]

का० आ० 3740.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स ईस्ट भगतडीह कालियरी कम्पनी प्राइवेट लिमिटेड, डाकघर झरिया, जिला धनबाद की ईस्ट भगतडीह कालियरी से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त

विवाद को उक्त अधिनियम की धारा 7-क के अन्वीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 2) घनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मसर्स ईस्ट भगतडीह कालियरी कम्पनी (प्राइवेट) लिमिटेड, डाकघर भरिया, जिला घनबाद की ईस्ट भगतडीह कालियरी की निम्नलिखित कार्मिकों को उनके नामों के सामने निर्दिष्ट तारीखों से रोजगार देने से इन्कार करने की कार्यवाही न्यायोचित थी? यदि नहीं तो ये कर्मकार किस अनुतोष के हकदार हैं?”

क्रमांक	कर्मकार का नाम व पद संज्ञा	रोजगार मना करने की तारीख
1	हरि पासवान, टीडल मजदूर	19-2-70
2	मन्सा भुलिया, यू० जी० ड्रामर	19-2-70
3	अल्लाउद्दीन, टुंगर खलासी	19-2-70
4	भगीरथ घैकर, बैलिंग मजदूर	19-2-70
5	बनवारी राम, प्रोप मिस्त्री	30-4-70
6	जगदेव भुईया, प्रोप मिस्त्री	30-4-70
7	बारो साये, प्रोप मजदूर	30-4-70
8	गनीरी यादव, स्टोइंग मजदूर	30-4-70
9	विजय घैकर, यू० जी० ड्रामर	24-4-70

[संख्या 2/147/70-एल० ग्रार० 2]

S.O. 3741.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bankola Colliery of Messrs Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether keeping in view the nature of duty performed by the workmen the management of Bankola Colliery of Messrs Burrakur Coal Company Limited is justified in not designating Sarvashri Kashi Show, Ram Prakash Yadav and Bajrangi Dosad, Trammers as Loosemen? If not, to what relief are they entitled and from what date?”

[No. 6/56/70-LRII.]

P. C. MISRA, Under Secy.

का० आ० 3741—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बंका कालियरी के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्याय-निर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या मैसर्स बुरािकुर कोल कम्पनी लिमिटेड की बंकोला कालियरी के प्रबन्धतन्त्र का सर्वश्री काशी शो, राम प्रकाश यादव और बजरंगी दोसाद, टैम्बरों को लूजमैन के रूप में नामो-दिष्ट न करना न्यायोचित है ? यदि नहीं, तो वे किस अनुतोष के और किस तारीख से हकदार हैं ?

[संख्या 6/56/70-एल० आर० 2]

पी० सी० मिश्र, अवप सचिव ।

(Department of Labour and Employment)

New Delhi, the 10th November 1970

S.O. 3742.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen, which was received by the Central Government on the 3rd November, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.

New Delhi, the 22nd October, 1970

C.G.I.D. No. 6 of 1970

BETWEEN

The employers in relation to the Punjab National Bank Limited,

AND

Their workmen.

Shri R. Ajmani for the bank/management.

Shri R. C. Duggal—for the workmen.

AWARD

By S.O. No. 23/62/68/LR.III, dated 7th July, 1969, the Central Government referred the following industrial dispute existing between the aforesaid parties for adjudication to the Industrial Tribunal, Chandigarh presided over by Shri P.P.R. Sawhney which was subsequently transferred to this Tribunal vide order No. 23/62/68/LR.III, dated 19th September, 1969:—

"Whether the action of the management of the Punjab National Bank Limited in redesignating Shri D. S. Pathania a workman in the Kangra Branch as Bill Collector-cum-Daftri and fixing his special allowance at Rs. 16 p.m. is justified? If not, to what relief is he entitled?"

2. When the case came up today for hearing before me, the parties reported having arrived at an amicable settlement and a memorandum of settlement was jointly filed by Shri R. C. Duggal on behalf of the workman and Shri R. Ajmani on behalf

of the management. Both the parties admit and verify the terms of the settlement Annexure "A" and request that an award be passed in terms thereof. I, therefore, pass an award in terms of the settlement Annexure "A" which shall form part of the award.

The 22nd October, 1970.

(Sd.) R. K. Baweja,

Central Government Industrial Tribunal, Delhi.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

REFERENCE I.D. No. 6 of 1970.

Names of the Parties:

Representing Employer.—Staff Manager, Punjab National Bank, H.O. Parliament Street, New Delhi.

Representing the Employee.—Assistant General Secretary, Punjab National Bank Employees Union, Jullundur City.

Short Recital of the Case

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi vide their order dated 7th July, 1969 referred an industrial dispute to the Hon'ble Industrial Tribunal, Chandigarh in the following schedule:

"Whether the action of the management of the Punjab National Bank Limited in redesignating Shri D. S. Pathania a workman in the Kangra Branch as Bill Collector-cum-Daftri and fixing his special allowance at Rs. 15 p.m. is justified? If not, to what relief is he entitled?"

The reference was, subsequently, transferred to the Hon'ble Industrial Tribunal, Delhi and is still pending before the said Tribunal (reference I.D. No. 6 of 1970). The parties have mutually discussed the issue and come to a settlement in the following terms:—

- (1) That Shri Pathania will be paid a sum of Rs. 450 (Rupees Four Hundred and Fifty only) for the first three years i.e. from 1st July, 1968 to 30th June, 1969 less the amount, if any already paid to him in this regard, on account of performing cash peon duties.
- (2) That from 1st July, 1969 onwards Shri Pathania will be paid Rs. 7 p.m. as special allowance for performing the duties of a Cash Peon, besides Rs. 15 p.m. already being paid to him for performing the duties of Daftri-cum-Bill-collector.
- (3) That Shri Pathania will be paid the special allowance as referred to in para (2) above so long as he is required to perform the duties of Cash Peon and the Bank will be at liberty to make any alternative arrangement at any time for performance of the said duties and to stop the said allowance to Shri Pathania on making such alternative arrangement on giving 21 days notice.
- (4) That Shri Pathania will continue to have the designation of Daftri-cum-Bill-collector and to perform all the duties that are being performed by him at present.
- (5) That this will not be cited as a precedent.
- (6) That the parties to the dispute will make a joint application to the Hon'ble Industrial Tribunal, Delhi with a prayer that the reference may be decided in terms of this settlement.

For Punjab National Bank Employees Union.

For Punjab National Bank.

Sd/-
for Assistant General Secretary.

NEW DELHI.
Dated, the 19th October, 1970.

Sd/-
R. AJMANI,
Staff Manager.

[No. 23/62/68/LR.III.]
U. MAHABALA RAO, Dy. Secy.

(Department of Labour and Employment)

(Office of the Chief Labour Commissioner (Central))

ORDER

New Delhi, the 2nd November 1970

S.O. 3743.—Whereas an application has been made under section 19(b) of the Payment of Bonus Act, 1965 by Messrs Central Provinces Manganese Ore Company, Ltd. (employer) in relation to their establishments mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31st December, 1969.

And whereas being satisfied that there are sufficient reasons to extend the time I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour & Employment No. WB-20(42)/65 dated the 28th August, 1965, passed orders on 30th October 1970 extending the period for payment of the said bonus by the said employer by two months (i.e. upto 31st October, 1970) from the last date for payment of bonus under clause (b) of Section 19 of the Act.

Now, this is published for information of the employer and all the employees of the said establishment.

SCHEDULE

Name and address of the employer(s)	Establishment(s)
M/s. Central Province Manganese Ore Company, Ltd., P.B. No. 8, Nagpur.	Central Provinces Mangaeese Ore Co. Ltd. Dongri Buzurg Mine, P.O. Dongri Buzurg, via Tumsar, Dist. Bhandara (Maharashtra) S. E. Rly.

[No. BA-6(20)/70-LS.I.]

O. VENKATACHALAM,

Chief Labour Commissioner (Central).

(श्रम और रोजगार विभाग)

(मुख्य श्रम आयुक्त (केन्द्रीय) का कार्यालय)

आदेश

नई दिल्ली, 2 नवम्बर, 1970

एस०ओ० 3743—यतः मैसर्स सेंट्रल प्रोविसेज मँगनीज ओर कं० लि० (नियोजक) ने नीचे की अनुसूची में वर्णित अपने स्थापनों के संबंध में 31-12-1969 को समाप्त होने वाले लेखा वर्ष के लिए अपने कर्मचारियों को बोनस के संदाय की कालावधि को बढ़ाने के लिए बोनस संदाय अधिनियम, 1965 की धारा 19 ख) के अधीन आवेदन दिया है।

और यतः यह समाधान हो जाने पर कि समय बढ़ाने के लिए पर्याप्त कारण हैं, मैंने भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं० डब्ल्यू०बी—20(42)/65 तारीख 28 अगस्त, 1965 के साथ पठित उक्त अधिनियम की धारा 19 के खण्ड (ख) के परन्तुक द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुए 30-10-70 को उक्त नियोजक द्वारा उक्त बोनस के संदाय की कालावधि को अधिनियम की धारा 19 के खण्ड (ख) के अधीन बोनस के संदाय की अंतिम तारीख से 2 महीने (अर्थात् 31-10-70 तक) बढ़ाने का आदेश दे दिया है।

अब इसे उक्त स्थापन के नियोजक और सभी कर्मचारियों की सूचना के लिए प्रकाशित किया जाता है।

अनुसूची

नियोजक/नियोजकों का नाम और पता

स्थापन

मैसर्स सेंट्रल प्रोविन्सेस मैंगनीज और कं० लि० ज सेंट्रल प्रोविन्सेस मैंगनीज और कं० लि० डोंगरी
पी०बी० नं० 8 नागपुर बुजुर्ग माइन पो०ग्रो० डोंगरी बुजुर्ग (द्वारा
तुमसार, जि० भण्डारा (महाराष्ट्र)।

[सं० बी०ए० 6(20)/70 पल-एस I]

प्रो० बेंकटाचलम,

मुख्य श्रम आयुक्त (केन्द्रीय)।

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 20th October 1970

S.O. 3744.—In exercise of the powers conferred by sub-section (i) of section 8 of the Indian Statistical Institute Act, 1959 (57 of 1959), the Central Government hereby direct that the Committee set up under the Chairmanship of Dr. Atma Ram, Director General, Council of Scientific and Industrial Research, for the year 1970-71 in terms of this Department Notification No. 29/4/69-Tech., dated the 28th August 1969, shall itself submit a further report in respect of the year 1971-72 before the end of November 1970.

[No. U. 11011/9/70-Tech.]

K. P. GEETHAKRISHNAN, Dy. Secy.

मन्त्रीमण्डल सचिवालय

(सांख्यिकी विभाग)

नई दिल्ली, 20 अक्टूबर, 1970

का० आ० 3744.—भारतीय सांख्यिकी संस्थान [अधिनियम, 1959 (1959 का 57) के खंड 8 के उपखंड (1) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार यह निदेश करती है वर्ष 1970-71 के लिए डा० आत्माराम, महानिदेशक, वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् की अध्यक्षता में गठित समिति, इस विभाग की शर्तों पर अधिसूचना सं० 29/4/69-तकनीकी दिनांक 28 अगस्त, 1969 के अनुसार नवम्बर 1970 के समाप्त होने से पहले वर्ष 1971-72 के संबंध में स्वयं प्रागामी प्रतिवेदन प्रस्तुत करेगी।

[सं० यू० 11011/9/70-तकनीकी]

के० पी० गीताकृष्णन्, उप सचिव।

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 21st October 1970

S.O. 3745.—Whereas the Election Commission is satisfied that Shri Fattu Singh, S/o. Shri Hira Singh, R/o. village Mubarakpur Pota, Post Office Pawti, District Bijnor, Uttar Pradesh, a contesting candidate for mid-term general elections, 1969 to the Uttar Pradesh Legislative Assembly from 408-Jansath (SC) Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas the notice issued to Shri Fattu Singh has been received back undelivered as the whereabouts of the candidate are not known, and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Fattu Singh, to be disqualified for being chosen as and for being a member of either house of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/408/69(154).]

By Order,

A. K. SEN, Secy.

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 21 अक्टूबर, 1970

एस०ओ० 3745.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के मध्यावधि निर्वाचन, 1969 निर्वाचन के लिए 408—जानसठ (अ०जा०) सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री फत्तू सिंह सुपुल श्री हीरा सिंह, निवासी गांव मुबारकपुर पोटा, पो० पावटी जिला बिजनौर, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनिर्माण बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः श्री फत्तू सिंह को जारी की गयी सूचना अवितरित वापस आ गई है क्योंकि इस अभ्यर्थी का कोई पता मालूम नहीं है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री फत्तू सिंह को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से 3 वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/408/69(154)]

आदेश से,

ए० एन० सेन, सचिव ।

(Office of the Commissioner of Income-tax Madhya Pradesh)

CORRIGENDUM

Bhopal, the 6th October 1970

S.O. 3746.—In exercise of the powers conferred on him under section 124-(2) of the I.T. Act, 1961 (43 of 1961) and all other powers enabling him in this behalf. The Commissioner of Incometax, Madhya Pradesh, Bhopal, hereby directs to clarify that in the schedule appended to his notification No. J-113-PP/67-IV-B. dated the 19th September, 1970, for S. No. 17 (ii) "Indore District excluding the city of Indore" read "Indore District excluding the City of Indore and the areas comprising of Mhow Tehsil, Mhow City and Mhow Cantt.".

[No. J-113-PP/67-IV-B.]

AVTAR SINGH, Commissioner.

MINISTRY OF SHIPPING AND TRANSPORT

(Directorate General of Shipping)

ORDER

Bombay, the 18th June 1970

S.O. 3747.—In pursuance of note (3) of the schedule to the notification of the Government of India in the Ministry of Transport and Shipping relating to scales of provision for seamen, No. S.O. 2169, dated 21st June, 1967, and in furtherance of the order of the Director General of Shipping, No. 9(21)-CRA/67, dated the 17th December, 1969, I, R. Doraiswamy, Director General of Shipping hereby order that, for a period of six months with effect from the date of this order the total daily scale of cereal rations of 570 grams shall stand amended to 350 grams rice and 170 grams wheat, if procurement is made in India.

2. As a compensation for the reduction of 50 grams in the rice rations, the scale of other items shall be increased per day as under for each unit of 25 grams:—

- 10 grams of fresh fish, or
- 5 grams of meat, or
- 50 grams of dry vegetables, or
- 25 grams of fresh vegetables.

[No. 9(21)-CRA/67.]

R. DORAISWAMY,

Director General of Shipping.

नौ वहन तथा परिवहन मंत्रालय

(नौ वहन महा निदेशालय)

आदेश

बम्बई, 18 जून, 1970

एस०ओ० 3747.—भारत सरकार, नौवहन तथा परिवहन मंत्रालय के अधिसूचना नं० सं० 2169, दिनांक 21-7-67 के पत्रक में अनुसरण नोट (3) जो नाविकों के रसन से संबंधित है के अनुसार व नौ वहन महा निदेशालय के आदेश नं० 9(21)-सी०आर०ए०/67, दिनांक 17 दिसम्बर, 1969 के अन्तर्गत, मैं आर० दाराईस्वामी, नौ वहन महा निदेशक, एतद्वारा इस आदेश के प्रेषित दिनांक से 6 मास की अवधि के लिए अनाज की मात्रा 570 ग्रामस् के स्थान पर संशोधित कर 350 ग्रामस् चावल और 170 ग्रामस् गेहूं का आदेश देता हूं यदि अधिप्राप्ति भारत में की गई हो तो उपरोक्त मात्रा लागू होगी

50 ग्रामस् चावल रसद कम किये जाने पर मुद्रावजे के तौर पर, दूसरे 25 ग्रामस् की मात्रा हर एक वस्तु में प्रतिदिन के लिए निम्न प्रकार से बढ़ाई जाती है :

- 10 ग्रामस् ताजी मछली, या
- 5 ग्रामस् मांस, या
- 50 ग्रामस् सूखी तरकारियां, या
- 25 ग्रामस् ताजी तरकारियां

[सं० 9(21)—सीआरए/67]

आर० दोराईस्वामी,

नौ बहून महा निदेशक।

MINISTRY OF FOREIGN TRADE

(Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 18th June. 1970

S.O. 374S.—Licence P/K/2615618/C/XX/35/D/29-30/P. 1.1 and P. 1.2/dated 24th April, 1970, for Rs. 2,174 for import of Dyes and Chemicals of permissible categories and Sodium Hydrosphite and its formulations, issued in favour of M/s. Ahuja Gemcrafts, 18-A, Sunder Nagar, New Delhi. 11, was despatched to them on 27th April, 1970. It has been reported by the said licensee M/s. Ahuja Gemcrafts, 18-A, Sunder Nagar, New Delhi, 11, vide their letter dated 9th June, 1970 that they have not received the said licence. It appears that the licence has fallen in wrong hands.

Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licence No. P/K2615618/C/XX/35/D/29-30/P. 1.1. and P. 1.2. dated 24th April, 1970, issued in favour of M/s. Ahuja Gemcrafts, 18-A, Sunder Nagar, New Delhi. 11.

[No. A-10/70-71/Enf/CLA/2368.]

R. L. VARMA,

Dy. Chief Controller of Imports and Exports,

for Jt. Chief Controller of Imports and Exports.

विदेश व्यापार मंत्रालय

(संयुक्त मुख्य नियंत्रक, आयात निर्यात का कार्यालय)

(केन्द्रीय लाइसेंस क्षेत्र)

आदेश

नई दिल्ली, 18 जून, 1970

एस० ओ० 3748.—सर्वश्री आहुजा जेमक्राफ्ट्स, 18-ए, सुन्दर नगर, नई दिल्ली-11 को स्वीकार्य श्रेणी के रंगों तथा रसायनों और सोडियम हाइड्रोसल्फाइड तथा इसके रूपों के आयात के लिए 2,174 रुपये का लाइसेंस संख्या पी/के/2615618/सी/एक्स एक्स/डी/29-30/पी० 1.1 एन्ड पी० 1.2, दिनांक 24-4-70 जारी किया गया था और जिसे उन्हें 24-4-70 का भेजा गया था उक्त लाइसेंसधारी सर्वश्री आहुजा जेमक्राफ्ट्स, 18-ए, सुन्दर नगर, नई दिल्ली-11 ने अपने पत्र दिनांक 9-6-70 द्वारा रिपोर्ट की है कि उन्हें उक्त लाइसेंस प्राप्त नहीं हुआ है, ऐसा प्रतीत होता है कि लाइसेंस अनधिकृत व्यक्ति के हाथों पड़ गया है ।

अतः, अधोहस्ताक्षरी, आयात (नियंत्रण) आदेश, 1955 की धारा 9, उप-धारा (सी सी) के अनुसार संशोधित, प्रदत्त अधिकारों का प्रयोग करते हुए, सर्वश्री आहुजा जैमकापट्स, 18-ए, सुन्दर नगर, नई दिल्ली-11 को जारी किया गया लाइसेंस संख्या पी/के/2615618/सी/एक्स एक्स/35/डी/29-30/पी० 1.1 एन्ड पी० 1.2, दिनांक 24-4-70 को इसके द्वारा रद्द करता है।

[सं० ए-10/70-71/ई एन एफ/सी एल/ए/2368.]

भार० एल० शर्मा,

उप-मुख्य नियंत्रक, आयात-निर्यात,
वास्ते संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th November 1970

S.O. 3749.—M/s. The Fertilisers Corporation of India Limited, Naya Nangal, were granted licence No. I/D/1325835, dated 23rd January, 1970, from G.C.A. under 4th I.D.A. Credit for the import of spares valued Rs. 5,00,000. They have requested for the issue of duplicate Customs copy of the said licence, on the ground that the original copy of the licence has been lost without utilising it. The licence has not been registered with any Customs.

2. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs Purposes of the licence referred to have i.e., I/D/1325835, dated 23rd January, 1970, has been lost and directs that duplicate copy of the licence in question should be issued to them. The original Customs copy is cancelled.

3. The duplicate Customs copy of the licence is being issued separately.

[No. Ch/F-100(2)/A.M. 70/R.M. 3/1916.]

G. S. SHARMA,

Dy. Chief Controller of Imports and Exports.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 6 नवंबर, 1970

एस० ओ० 3749.—सर्वश्री दि फर्टिलाइजर्स कारपोरेशन आफ इन्डिया लि०, नया नंगल को चौथे आई०डी०ए० ऋण के अन्तर्गत सामान्य मुद्रा क्षेत्र से फालतू पुर्जों के आयात के लिए 5,00,000/- रुपये का लाइसेंस संख्या आई/डी/1325835, दिनांक 23-1-1970 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रति के लिए आवेदन किया है, इसके लिए यह आधार दिया गया है, कि लाइसेंस की मूल प्रति बिना उपयोग किए ही खो गई है। सीमा-शुल्क कार्यालय में लाइसेंस पंजीकृत नहीं किया गया है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र जमा किया है। अधोहस्ताक्षरी इस बात से संतुष्ट है कि उपर्युक्त लाइसेंस संख्या आई/डी/1325835, दिनांक 23-1-1970 की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है और निदेश देता है कि अपेक्षित लाइसेंस की अनुलिपि प्रति जारी की जानी चाहिए। मूल-सीमा-शुल्क प्रति रद्द की जाती है।

लाइसेंस की अनुलिपि सीमा-शुल्क प्रति अलग से जारी की जा रही है।

[संख्या सी एच/एफ० 100(2)/एएम-70/भार०एम-3/1916.]

जी० एस० शर्मा,

उप मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Joint Chief Controller of Imports & Exports)

(Central Licensing Area)

CANCELLATION ORDER

New Delhi, the 9th July, 1970

S.O. 3750.—M/s& Ashish Inc. D. 21/48, Shopping Centre Chanakapuri, New Delhi were granted import licence No. P/K/2603455/C, dated 6th February, 1970, for Rs. 4,0421. They have applied for duplicate Custom Purposes copy of licence on the ground that original Custom Purposes copy thereof has been lost/misplaced after having been registered with Bombay Custom House, Bombay and utilised upto Rs. 35,275.

In support of this contention the applicant has filed an affidavit. I am satisfied that the original Custom Purposes copy of the licence No. P/K/2603455/C, dated 6th February, 1970 has been lost/misplaced and direct that duplicate customs purposes copy of the licence should be issued to the applicant for the amount of Rs. 5,052. The original custom purposes copy is cancelled.

[No. F. Silk-12/JM-68/SC-V/CLA.]

D. S. MORKRIMA,

Dy. Chief Controller of Imports and Exports
for Jt. Chief Controller of Imports and Exports.

(संयुक्त मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

(केन्द्रीय लाइसेंसिंग क्षेत्र)

आदेश

नई दिल्ली, 9 जुलाई, 1970

एस० प्रो० 3750.—सर्वश्री अशीष इन्स्टी० डी०-21/48 शॉपिंग सेंटर चानक्यपुरी नई दिल्ली का 40421 रुपये का आयात लाइसेंस सं० पी/के/2603455/सी, दिनांक 6-2-70 प्रदान किया गया था। उन्होंने लाइसेंस की प्रतिलिपि सीमा-शुल्क कार्य संबंधी प्रति के लिए आवेदन किया है, इसके लिए उन्होंने यह आधार दिया है कि उसकी मूल-सीमा-शुल्क कार्य संबंधी प्रति बम्बई सीमा-शुल्क कार्यालय बम्बई में पंजीकृत करने के बाद खो गई है / गलत स्थान पर रख दी गई है और उनके 35275 रुपये तक का उपयोग कर लिया गया है।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र जमा किया है। मैं इस बात से संतुष्ट हूँ कि लाइसेंस सं० पी/के/2603455/सी, दिनांक 6-2-70 कि मूल सीमा शुल्क कार्य संबंधी प्रति खो गई है / गलत स्थान पर रख दी गई है और निदेश देता हूँ कि लाइसेंस की प्रतिलिपि सीमा-शुल्क कार्य संबंधी प्रति आवेदक को 5052 रुपये की घन राशि के लिए जारी की जानी चाहिए। मूल सीमा-शुल्क कार्य संबंधी प्रति रह की जाती है।

[संख्या सिलक-12/जे एम-68/एस सी-5/सी एल ए]

डी० एस० मोरक्रिमा,

उप-मुख्य नियंत्रक, आयात-निर्यात

कृते संयुक्त मुख्य नियंत्रक आयात-निर्यात ।

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 22nd October 1970

S.O. 3751.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2510 dated 2nd June, 1970 under sub-section (1) of Section 3

of the Petroleum Pipelines [Acquisition of Right of User in land Act, 1962 (50) of 1962], the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying Pipeline from Well No. 136 (KJI) to Well No. 88 KAF/

State : Gujarat

District : Gandhinagar

Taluka : Gandhinagar.

Village	Survey No.	Hectare	Acre	P. Are.
Uvarsad	1250/6	0	2	50
	1250/5	0	2	32
	1264	0	1	95
	1285	0	11	67
	1286	0	7	32
	1268	0	11	23
	1245	0	25	34
	1244	0	5	06
	1215/1-2	0	8	54

[No. 20(3)/67-IOC/Lab. & Legis.]

पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 22 अक्तूबर, 1970

का०आ०स० 3751.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० स० 2510 तारीख 2-6-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमिओं के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुआं संख्या 136 (के जे आई) से कुआं संख्या 88 (के ए पी) तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात	जिला—गांधीनगर	तालुका—गांधीनगर			
गांव	सर्वेक्षण संख्या	हैक्टरज	आर	पी	आर
उवसंद	1250/6	0	2	50	
	1250/5	0	2	32	
	1264	0	1	95	
	1265	0	11	67	
	1266	0	7	32	
	1268	0	11	23	
	1245	0	25	34	
	1244	0	5	06	
	1215/1-2	0	8	54	

[सं० 20(3)/67-आई ओ सी/लेबर एण्ड लेजिस]

S.O. 3752.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2515 dated 8th July, 1970 under sub-section (1) of Section 8 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying Pipeline from Well No. 135 (KJC) to Well No. 107 (GGS-VII)

State : Gujarat

District : Gandhinagar

Taluka : Gandhinagar.

Village	Survey No.	Hectare	Are.	P. Are.
POR	188	0	5	86
	190	0	0	25
	192	0	29	28
	173	0	2	68
	174	0	1	10
	V. P. Cart Track	0	1	16
ADALAJ	695/Paiki	0	10	16
	695/Paiki	0	0	50
	695/Paiki	0	3	31
	690/Paiki	0	7	77
	690/Paiki	0	5	67
	690/Paiki	0	5	25
	689	0	7	32
	688 & 687	0	18	54
TARAPUR	41	0	4	89
	42/1 & 2	0	15	42
	47/2	0	8	66
	47/1	0	0	50
	48/1 & 2	0	7	32
	V. P land	0	1	46
	82/1 & 2	0	18	67

[No. 28(7)/68-IOC/Lab. & Legis.]

का० आ० 3752—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2515, तारीख 8-7-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को अपनी रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुम्भा संख्या 135 (के जी सी) से कुम्भा संख्या 107 (जी जी एस-vii) तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात	जिला—गांधीनगर	तालुक—गांधीनगर			
गांव	सर्वेक्षण संख्या	हेक्टरज	अर	पी	अर
पोर	188	0	5	86	
	190	0	0	25	
	192	0	29	28	
	173	0	2	68	
	174	0	1	10	
	बी०पी० कार्ट ट्रैक	0	1	16	
अदालज	695/पैकी	0	10	16	
	695/पैकी	0	0	50	
	695/पैकी	0	3	31	
	690/पैकी	0	7	77	
	690/पैकी	0	5	67	
	690/पैकी	0	5	25	
	689	0	7	32	
तारापुर	688 तथा 687	0	18	54	
	41	0	4	89	
	42/1 और 2	0	15	42	
	47/2	0	8	66	
	46/1 और 2	0	7	32	
	47/1	0	0	50	
	बी०पी० लैण्ड	0	1	46	
	82/1 और 2	0	18	67	

[सं० 29(7)/68-आर्षी ओ सी/लेबर एण्ड लेजिस]

New Delhi, the 26th October 1970

S.O. 3753.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from well No. BDT to BAF in Nawajam Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying Pipeline from D. S. BDT to D. S. BAF.

State : Gujarat

District : Kaira

Taluka : Natar

Village	Survey No.	Hectare	Ac	P. Ar
KATHAWADA	275	0	10	75
	276/1 & 2 } 277 } 278/Palki }	0	25	00
		0	3	50

[No. 12(2)/70-Lab. & Legis.]

नई दिल्ली, 26 अक्तूबर, 1970

का० आ० 3753—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नवागाम तेल क्षेत्र में कुआँ संख्या बी डी टी से बी ए एफ तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्भावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देख-भाल प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगतः हो या किसी विधि व्यवसायी की माफ़त।

अनुसूची

डी० एस० बी डी टी से डी० एस० बी ए एफ तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात

जिला—कैरा

तालुका—मातर

गाँव	सर्वेक्षण संख्या	हैक्टर	आर	पी आर
काठवाडा	275	0	10	75
	276/1 और 2 } 277 } 278/पैकी }	0	25	00
		0	3	50

[संख्या 12(2)/70—लेबर एण्ड लेजिस]

S.O. 3754.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from D.S. BR to BDE. in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from D.S. BR to BDE

State : Gujarat District : Kaira Taluka : Matar

Village	Survey No.	Hectare	Ac.	P. Ac.
KATHAWADA	250/Paiki	0	1	25
	249/1	0	4	00
	247/1 & 2	0	7	25
	247/3	0	8	00
NAWAGAM	166	0	2	00

[No. 11(2)/70-Lab. & Legis.]

का०आ० 3754.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डी एस बी आर से बी डी ई तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, भवरपुरा रोड, बरीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसको सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डी एस बी आर से बी डी ई तक पाइपलाइन बिछाने हेतु

राज्य—गुजरात

जिला—कैर

तालुका—मातर

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
काठवाडा . . .	250/पैकी . . .	0	1	25
	249/1 . . .	0	4	00
	247/1 और 2 . . .	0	7	25
	247/3 . . .	0	6	00
मवागांम . . .	166 . . .	0	2	00

[संख्या 11(2)/70—लेबर एण्ड सेजिस]

New Delhi, the 27th October 1970

S.O. 3755.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2517 dated 13th July, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines [Acquisition of Right of User in land Act, 1962 (50 of 1962)], the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying pipe line from NAWGA C. I. F. to Calico Mills (Ahmedabad)

State : Gujarat

District : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Arc.	P. Arc.
PINGALAJ	V. P. Road 146	0 0	1 3	80 70

[No. 29(7)/68-IOC/Lab. & Legis.]

नई दिल्ली, 27 अक्तूबर, 1970

का० आ० 3755.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2517 तारीख 13-7-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमिओं के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

नवागाम सी टी एफ से कालीको मितस (अहमदाबाद) तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला—कैर तालुका—मातर

वांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
पिगलाज	बी पी रोड	0	1	80
	146	0	3	70

[सं० 29(7)/68-आई ओ सी/लेबर एण्ड लोअर]

S.O. 3756.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2516 dated 13th July, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines [Acquisition of Right of User in land Act, 1962 (50 of 1962)], the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying pipeline from Nawagam C.T.F. to Calico Mills (Ahmedabad).

State : Gujarat

District : Ahmedabad

Taluka : Daskroi

Village	Survey No.	Hectare	Arc.	P. Arc.
BAREJA	636	0	11	05
	635	0	3	60
	644	0	5	10
	V. P. Road	0	1	80

[No. 29(7)/68-IOC/Lab. & Legis.]

का०आ० सं० 3756.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2516 तारीख 12-7-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बन्धकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

नवांगाम सी टी एफ मे कालीको मिल्स (अहमदाबाद) तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात

जिला : अहमदाबाद

तालुका : दासकरोई

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
बरेजा	636	0	11	05
	635	0	3	60
	644	0	5	10
वी पी रोड		0	1	80

[सं० 29(7)/68-आई ओ सी/सेबर एण्ड लेजिस]

S.O. 3757.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.G.S. III to G.G.S. I in Nawagam Oil Field in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying pipeline from G.G.S. III to G.G.S. I of Nawagam Project.

State : Gujarat

District : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Are.	P. Are.
Pansoli	293/2/D 266	0 0	5 3	10 10

[No. 12(2)/70-Lab. & Legis.]

का० प्रा० 3757—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह, आवश्यक है कि गुजरात राज्य में नवांगाम तेल क्षेत्र में जी जी एस III से जी जी एस I तक पैट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देख-भाल प्रभाग, मकरपुरा-रोड, बरौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मापत्त।

अनुसूची

नवांगाम परियोजना के जी जी एस iii से जी जी एस i तक पाइपलाइन बिछाने हेतु

राज्य: गुजरात	जिला: कोंर	तालुका:	मातर	
गांव	सर्वेक्षण संख्या	हेक्टर	अरार	पी अरार
पंसोली	29/3/2डी	0	5	10
	266	0	3	10

[सं० 12(2)/70-लेबर एंड लेजिस]

S.O. 3758.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from well No. NKE to Kadi I (Well head installation) in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying pipeline from D.S.NKE to KADI-I (well head Installation).

State : Gujarat	District : Mehsana	Taluka : Mehsana		
Village	Survey No.	Hectare	Arc.	P. Are.
MEHMADPURA	18	0	2	02
	19	0	4	05
	Cart track between S. Nos. 19 & 34	0	1	01

Village	Survey No.	Hectare	Arc	P. Arc
	34/2	0	3	04
	34/3	0	7	08
	34/4	0	5	06
	Cart track between S.No. 34/2 & 21	0	1	01
	21	0	10	14
	24	0	7	08
	23	0	7	08
	25	0	3	00
	26	0	2	00
	Cart track between S. No. 26 & 72	0	1	01
	72	0	12	14
	68/1	0		
	22	0	5	05
		0	2	00

SCHEDULE

For laying pipeline from D.S.NKE to KADI-I (well head installation)

State : Gujarat

District : Mehsana

Taluka : Kadi

Village	Survey No.	Hectare	Arc.	P. Arc.
CHALASAN	Cart track between S. No. 48 & 75	0	1	01
	71	0	6	07
	75	0	7	08
	74	0	10	18
	73/Paiki	0	18	21
	72	0	12	14
	Cart track between S. No. 71 & 91	0	2	01
	91	0	18	21
	90	0	7	08
	89	0	6	07
	86	0	11	13
	113/1	0	6	07
	112	0	5	06
	Cart track between S. No. 112 & 118/2	0	1	01
	118/2	0	7	09
	118/Paiki	0	1	00
	117	0	2	02
	120/2	0	9	11
	121	0	6	07
	Cart track between S. No. 121 & 122	0	1	01
	122	0	13	15

SCHEDULE

For laying pipeline from D.S. to KADI-I (well head installation)

State : Gujarat

District : Ahmedabad

Taluka : Viramgam

Village	Survey No.	Hectare	Arc	P. Arc.
BALASASAN	101	0	6	07
	102	0	8	09
	103	0	15	18
	105	0	6	07

Village	Survey No	Hectare	Are	P. Are
	109	0	10	12
	108	0	8	09
	Cart track between S. No. 108 & 153			00
	153	0	16	19
	154	0	10	14
	155	0	14	16
	Cart track between S. No. 155 & 185	0	2	02
	185	0	4	05
	183	0	4	05
	184	0	7	08
	Cart track between S. No. 184 & 205	0	2	02
	205	0	12	14
	206	0	6	07
	207	0	10	12
	202	0	5	06
	214	0	20	23

[No. 11(1)/70-Lab. & Legis.]

M. V. S. PRASADA RAU, Under Secy.

क्र० अ० 3758.—वन : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में—कुआँ संख्या एन के ई से काडी-1 (कूप मुख प्रतिस्थापन) तक पट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह : यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनड्राबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणव एनड्राबद्ध घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देख-भाल प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डी एस एन के ई से काडी 1 (कूप मुख प्रतिस्थापन) तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका मेहसाना

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
मेहमदपुरा	18	0	2	02
	19	0	4	05

1	2	3	4	5
	सर्वेक्षण संख्या 19 और 34 के बीच कार्ट ट्रैक	0	1	01
	34/2	0	3	04
	34/3	0	7	08
	34/4	0	5	06
	सर्वेक्षण संख्या 34/2 और 21 के बीच कार्ट ट्रैक 0]		1	01
	21	0	10	14
	24	0	7	08
	23	0	7	08
	25	0	3	00
	26	0	2	00
	सर्वेक्षण संख्या 26 और 72 के बीच कार्ट ट्रैक	0	1	01
	72	0	12	14
	68/1	0	6	05
	22	0	2	00

बी एस एन के ई से काडी । (कूप मुख प्रतिस्थापन) तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात जिला : मेहसाना तालुका : काडी

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
चलासम	सर्वेक्षण संख्या 48 और 75 के बीच कार्ट ट्रैक	0	1	01
	71	0	6	07
	75	0	7	08
	74	0	10	12
	73/पेकी	0	18	21
	72	0	12	14
	सर्वेक्षण संख्या 71 और 91 के बीच कार्ट ट्रैक	0	2	01
	91	0	18	21
	90	0	7	08
	89	0	6	07
	86	0	11	13

1	2	3	4
	113/1	0	6 07
	112	0	5 06
	सर्वेक्षण संख्या 112 और 118/2 के बीच कार्ट ट्रैक	0	1 01
	118/2	0	7 09
	118/पैकी	0	1 00
	117	0	2 02
	120/2	0	9 11
	121	0	6 07
	सर्वेक्षण संख्या 121 और 122 के बीच कार्ट ट्रैक	0	1 01
	122	0	13 15
बलासासन	101	0	6 07
	102	0	8 09
	103	0	15 18
	105	0	6 07
	109	0	10 12
	108	0	8 09
	सर्वेक्षण संख्या 108 और 153 के बीच कार्ट ट्रैक	0	2 00
	153	0	16 19
	154	0	10 14
	155	0	14 16
	सर्वेक्षण संख्या 155 और 185 के बीच कार्ट ट्रैक	0	2 02
	185	0	4 05
	183	0	4 05
	184	0	7 08
	सर्वेक्षण संख्या 184 और 205 के बीच कार्ट ट्रैक	0	2 02
	205	0	12 14
	206	0	6 07
	207	0	10 12
	202	0	5 06
	214	0	20 23

[सं० 11(1)/70-लेबर एण्ड लेजिस]

श० वे० शिव प्रसाद राव, सचिव ।